

defense company into this bill. This same amendment was debated last year, but it was dropped in conference. It will ultimately harm our warfighters in a time that we need to be giving them every advantage, ensuring the equipment that they have is reliable.

I strongly urge a “no” vote on this amendment.

Mr. MCKINLEY. Mr. Chairman, how much time do I have?

The Acting CHAIR. The gentleman from West Virginia has 2¼ minutes remaining.

Mr. MCKINLEY. Mr. Chair, I yield myself such time as I may consume.

Let's try to clarify this. And I do appreciate the remarks of my colleague.

We are talking about a situation that when the performance specification was changed, there was a problem. I recognize that.

But the problem here, or the issue here is that the defense already was embarking on going overseas to find a supplier before there were any problems that had surfaced with this. This has been cleared. We understand that.

Now, let's go further with this. We are not talking about just an American firm. There are two, possibly there could be another one that could emerge, three or four. Remember, we used to have far more rocket motor manufacturers in America. We are down to two now.

Now, maybe there is going to be a foreign corporation, someone else that surfaces with this. We know there are others. But it just seems patently shortsighted for us in America, with all this purchasing power that we have, to limit ourselves to one supplier, one supplier.

So what we are saying is, fulfill the specifications, find out whether or not you can get another firm as qualified to be able to do this, whether it is foreign or domestic. But let's have competition. For the American public and our defense and our spending, I think it is a fiscally responsible thing to do to try to find a way to be responsible in our dollars. So it may be an American firm. Quite frankly, I hope it is. And then we can stimulate our declining industrial defense base. But if it is someone else, at least we are going to find we have competition. And unless I am wrong, I always thought that the American way was finding competition to be able to compete with us.

This amendment gives us an opportunity. Since 2009, our government has come out with report after report after report after report that there is a problem. We need to address it.

But they have done nothing other than outsourcing this material. I think it is time that we take action, we allow an opportunity for a second firm to compete.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCKINLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

The Committee will rise informally.

The Speaker pro tempore (Mr. HOLDING) assumed the chair.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2040. An act to deter terrorism, provide justice for victims, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The Committee resumed its sitting.

AMENDMENT NO. 11 OFFERED BY MR. THORNBERRY

The Acting CHAIR (Mr. ROTHFUS). It is now in order to consider amendment No. 11 printed in part B of House Report 114-569.

Mr. THORNBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title IX, add the following new section:

#### SEC. 9. REFORM OF NATIONAL SECURITY COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Security Council has increasingly micromanaged military operations and centralized decisionmaking within the staff of the National Security Council. The size of the staff has contributed this problem.

(2) As stated by former Secretary of Defense Robert M. Gates, “It was the operational micromanagement that drove me nuts of White House and [National Security Council] staffers calling senior commanders out in the field and asking them questions, second guessing commanders”, and by another former Secretary of Defense Leon Panetta, “[B]ecause of that centralization of that authority at the White House, there are too few voices being heard in terms of the ability to make decisions and that includes members of the cabinet.”

(3) Gates stated, “You have 25 people working on a single military problem... They are going to be doing things they shouldn't be doing,” and Panetta noted, “The National Security Council has grown enormously, which means you have a lot more staff people running around at the White House on these foreign policy issues.”

(4) Press reports indicate that National Security Council micromanagement has included selecting targets in ongoing military

operations, specifying detailed parameters and limitations on military operations, and managing military planning and the execution of plans.

(5) As stated in section 101(a) of the National Security Act of 1947 (50 U.S.C. 3021(a)), the “function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security”.

(6) As stated in the November 1961 staff reports and recommendations on “Organizing for National Security” submitted to the Committee on Government Operations of the Senate by the Subcommittee on National Policy Machinery, “The Council is an interagency committee: It can inform, debate, review, adjust, and validate... The Council is not a decisionmaking body; it does not itself make policy. It serves only in an advisory capacity to the President, helping him arrive at decisions which he alone can make.”

(7) As noted in the 1987 Report of the President's Special Review Board (commonly known as the “Tower Commission Report”), “As a general matter, the [National Security Council] staff should not engage in the implementation of policy or the conduct of operations. This compromises their oversight role and usurps the responsibilities of the departments and agencies.”

(8) As noted in the “Addendum on Structure and Process Analyses: Volume II – Executive Office of the President,” accompanying the February 2001 U.S. Commission on National Security/21st Century (commonly known as the “Hart-Rudman Commission”), “[T]he degree to which the [National Security Council] gets involved in operational issues raises a question of congressional oversight. Today there is limited congressional oversight of the [National Security Council]... Assigning the [National Security Council] greater operational responsibility would likely result in calls for more congressional oversight and legislative control...”

(9) According to analysis from the Brookings Institution's National Security Council Project, the size of the National Security Council staff from the early 1960s to the mid-1990s remained consistently under 60 personnel. Since then, it has grown significantly in size.

(10) As former National Security Advisor, Zbigniew Brzezinski, wrote in “The NSC's Midlife Crisis” in *Foreign Policy*, Winter 1987–1988, “There is no magic number, but it would appear that for successful strategic planning and policy coordination 30-40 senior staff members are probably adequate. However, to ensure effective supervision over policy implementation as well, the size of the staff should be somewhat larger. An optimal figure for the senior staff probably would be about 50 senior staff members.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the function of the National Security Council, consistent with the National Security Act of 1947 (50 U.S.C. 3001 et seq.), is to advise the President as an independent honest broker on national security matters, to coordinate national security activities across departments and agencies, and to make recommendations to the President regarding national security objectives and policy, and the size of the staff of the National Security Council should be appropriately aligned to this function;

(2) the President is entitled to privacy in the Office of the President and to a confidential relationship with the National Security Advisor and the National Security Council; and

(3) however, a National Security Council, enabled by a large staff, that assumes a central policymaking or operational role is no longer advisory and should be publicly accountable to the American people through Senate confirmation of its leadership and the activities of the Council subject to direct oversight by Congress.

(C) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021), is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and”;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding after paragraph (6) the following new paragraph:

“(7) the Assistant to the President for National Security Affairs.”;

(2) in subsection (c), by striking “shall receive compensation at the rate of \$10,000 a year.” and inserting “shall report to, and be under the general supervision of, the Assistant to the President for National Security Affairs.”;

(3) by redesignating subsections (d) through (l) as subsections (e) through (m), respectively; and

(4) by inserting after subsection (c) the following new subsection:

“(d)(1)(A) Except as provided by subparagraph (B), the Assistant to the President for National Security Affairs shall be appointed by the President.

“(B) If the staff of the Council exceeds 100 covered employees at any point during a term of the President, and for the duration of such term (without regard to any changes to the number of such covered employees), the Assistant to the President for National Security Affairs shall be appointed by the President, by and with the advice and consent of the Senate.

“(2)(A) Beginning on the date on which the staff of the Council exceeds 100 covered employees, the person appointed as the Assistant under paragraph (1)(A), the person nominated by the President to be appointed the Assistant under paragraph (1)(B), or any other person designated by the President to serve as the Assistant in an acting capacity, may serve in an acting capacity for no longer than 210 days.

“(B) If the person nominated by the President to be appointed the Assistant under paragraph (1)(B) is rejected by the Senate, withdrawn, or returned to the President by the Senate, the President shall nominate another person and the person serving as the acting Assistant may continue to serve—

“(i) until the second nomination is confirmed; or

“(ii) for no more than 210 days after the second nomination is rejected, withdrawn, or returned.

“(3) The President shall notify Congress in writing not more than seven days after the date on which the staff of the Council exceeds 100 covered employees.

“(4) In this subsection, the term ‘covered employees’ means each of the following officers and employees (counted without regard to full-time equivalent basis):

“(A) Officers and employees occupying a position funded by the Executive Office of the President performing a function of the Council.

“(B) Officers, employees, and members of the Armed Forces from any department, agency, or independent establishment of the executive branch of the Government that are on detail to the Council performing a function of the Council.”.

(d) CONFORMING AMENDMENT.—Section 3(12) of the International Religious Freedom Act of 1998 (22 U.S.C. 6402(12)) is amended by striking “section 101(i)” and inserting “section 101(l)”.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment goes to an issue that relates to the ability of Congress to do its job under the Constitution and the appropriate balance of powers because I think everybody agrees that a President ought to have advisers, and that there ought to be a zone, a protected zone for those advisers to offer advice to the President.

But the problem is when those advisers do more than advise, when they direct, and when they, in fact, get into the operational military chain of command, that is a problem.

What we have seen in recent years is a tremendous increase in the number of staff at the National Security Council. And what we have also seen is an astonishing increase in micromanagement and direction of military forces that come from these NSC staffers.

In effect, they insert themselves into the military chain of command and, yet, they are not confirmed by the Senate, nor is their supervisor, and they never have to come testify to us about the direction they give the military.

That is the reason that there has developed an imbalance in the balance of powers as constructed under the Constitution.

Every previous Secretary of Defense in the Obama administration has complained about this. Typical are the comments of Secretary Gates: It was the operational micromanagement that drove me nuts of the White House and national security staffers calling senior commanders out in the field second-guessing commanders.

Secretary Panetta and Secretary Hagel have said similar things, as has former Under Secretary Michele Flournoy.

So my amendment does not tell the President how many people he can have. He can have 10,000 if he wants, but if he goes above a certain number, they are not just advising, they are directing, and the National Security Adviser must then be confirmed by the Senate.

This will not affect President Obama. It is the next President. But the next President will have a choice. Do you have a relatively small or the historically average number of advisers? If you do more, you have to get confirmed by the Senate.

Mr. Chair, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chair, I yield myself 2 minutes.

The problem is—just two quick points here—first of all, as we have dis-

cussed throughout the conversation about the Department of Defense authorization bill this year, the threat environment has grown much more complex, and the rise in the size of the national security staff is a reflection of that, of the various different challenges that are throughout the world.

They have tried to find expertise in all of these different areas, and limiting them to 100, at this point, given the responsibilities that they have, would basically take it all the way down to the point where the admin staff would be the most that they could put in place. They have needs for the number of people that they have.

Now, the second problem that Mr. THORNBERRY points out, I think, is a very legitimate problem. The thing is, whether you have 100 or 400, the President's NSC staff can do the same thing; they can not pay attention to the Department of Defense to the degree that they should. That has nothing to do with how many people there happen to be at the NSC. I agree with Mr. THORNBERRY that that has been a problem.

Certainly we would like Commanders in Chief to be more in touch with the Department of Defense and with the commanders in the field, and not be overridden by the NSC, but that is a problem that exists, regardless of the numbers or even what you call the President's staff.

So I think this amendment would significantly hamper the ability of the National Security Council to do the job that it was appointed or created to do, which is to keep the President advised of all the various different threats that are out there. And to give them the ability to do that, they are going to need more than 100 people.

So I will oppose this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), the distinguished chairman of the Committee on Oversight and Government Reform.

Mr. CHAFFETZ. Mr. Chair, I stand in whole support of what Chairman THORNBERRY is proposing.

Section 101 of the National Security Act of 1947 says: “The function of the Council shall be to advise the President . . .”

Obviously, we want the President to get the best advice possible, but, historically, the National Security Act designated—they had between 50 and 60 people between the 1960s and the mid 1990s. But now it has grown to hundreds of people. We are talking about literally 400 people, by some counts, and we have got an NSC that is now not necessarily accountable. I would like to see the Senate confirmation if it moves about 100.

What we see is the NSC is not only engaging in direction on the field, but also engaging in public relations battles and doing things well outside, I think, the scope that was originally put forward.

Mr. Chairman, today we had a hearing. We had called Ben Rhodes to come testify to this hearing. But then, claiming executive privilege, Neil Eggleston, the General Counsel, said this person could not come.

Ben Rhodes goes and talks to the media, he talks to his echo chamber. Ben Rhodes will go out and do public speaking. He will do everything except come testify in front of Congress, and then hides behind this shield that does not allow for openness and transparency.

We want an NSC that helps make policy and direct operations and should be publicly accountable, if that is what they are going to be doing.

The President has a choice. Keep the NSC small and advisory to maintain the status quo. That is what it was originally intended to do, but it has gone far more than that. It has become a public relations machine. It has become something that is problematic at every level.

I think Chairman THORNBERRY is exactly right. I think all of our colleagues should support this amendment. It is the right thing to do, and I stand in whole support of it.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Chair, H.L. Mencken once said that for every human problem there is a solution that is simple, neat, and wrong.

I have a lot of sympathy for Mr. THORNBERRY's amendment and for what is behind it.

He talks about micromanagement. Micromanagement goes back to the very founding of the National Security Council. You think that Richard Nixon's Secretary of State and Secretary of Defense didn't think Henry Kissinger micromanaged when he was the National Security Adviser?

He surreptitiously altered the U.S. policy to China, on his own, with his staff at NSC.

There is a long tradition of micromanagement and interference, and I have no doubt that Mr. THORNBERRY is right. Every Secretary of Defense and every Secretary of State would have a similar complaint. Of course they would, and they might be right.

To elevate this job over 100 people, to Senate confirmation, actually aggravates the problem. Now you are going to codify the micromanagement. You are actually going to make this a policymaking apparatus, in direct competition with the very department you are trying to help, the Department of Defense and the Department of State. It is the wrong answer to the growing size of an NSC.

I don't remember Republican complaints about the growth of the NSC under the previous administration, and maybe we can work together in the future to try to make sure that we have a more manageable size.

I applaud, certainly, the fact that the current NSC administrator has reduced

the NSC by 12 percent. I know we can do better. But I don't think this amendment is the way to do it, respectfully.

□ 1700

Mr. THORNBERRY. Mr. Chairman, I would inform the gentleman that I have no further speakers and am prepared to close on this side if the gentleman is.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time just to reiterate the argument.

The National Security Council was formed for the very specific purpose of allowing the President to have that type of confidential advisement where people could speak frankly and give the President the advice that he needs to make decisions on matters of national security. Regrettably, our national security environment has grown more complex.

I will point out that the current National Security Adviser has actually shrunk the size of the National Security Council since she took over. It was 411, and it is now down to 365. So they are making efforts to get that under control. But to shrink this to 100 and, as Mr. CONNOLLY pointed out, to make it subject to Senate confirmation would simply lock it in as a competing force to the very entities that the sponsor of this amendment would like to see have a greater voice, and therefore it would be counterproductive and would not achieve its goal even though, again, I certainly agree that there should be greater transparency.

I don't think there is a Member of Congress who has not complained at some point throughout the history about the lack of transparency between the White House and Congress on matters of national security. That battle will continue whether this amendment passes or not. I don't think this amendment will advance the interests of national security, and, therefore, I oppose it.

Mr. Chairman, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment does not require any President to do anything. There is a choice, and the choice that any President will face is, if you go above a certain number, then I think common sense tells us that these folks are doing more than advising; they are in operations.

As a matter of fact, the former Under Secretary of Defense for Policy in the Obama administration Pentagon, Ms. Flournoy, has testified that, as the staffs grow, they tend to get more into operational details and tactical kinds of oversight. Historically, when you have had smaller national security staffs—for example, the Scowcroft era—they had a very clear understanding of what their role was.

This is a matter of common sense. Absolutely, there are no guarantees.

You might have one person who would try to direct; but, generally, the more people you have got, the more stuff they are going to try to micromanage.

So I don't prevent a President from doing anything with this amendment. I simply say that it is a choice. You can have 100 people or fewer and not go before the Senate. If you have more than that, you have got to get Senate confirmed like the Director of OMB is now. I think that is what makes sense. I hope Members will support the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 114-569.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 1032 and 1033.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike sections 1032 and 1033 of the bill, which prohibit the use of funds to transfer detainees from Guantanamo Bay, Cuba, to the United States or to construct or expand any facility in the U.S. to house any individual currently detained at Guantanamo.

Simply put, the section is designed to prevent the closure of the detention facility at Guantanamo and to make it as difficult as possible to transfer detainees to a different facility. My amendment is intended to do the opposite and to finally bring to a close a shameful chapter of American history.

The President's Statement of Administration Policy says the following: "The administration strongly objects to several provisions of the bill that relate to the detention facility at Guantanamo Bay, Cuba. As the administration has said many times before, operating this facility weakens our national security by draining resources, damaging our relationships with key allies and partners, and emboldening violent extremists. In February, the administration submitted a comprehensive plan to safely and responsibly close the detention facility at Guantanamo Bay, Cuba, and to bring this chapter of our history to a close. Rather than taking steps to close the facility, this bill aims to extend its operation. Sections 1032 and 1033 would continue to prohibit the use of funds to transfer Guantanamo detainees to the

United States or even to construct or modify any facility in the United States to house detainees. These restrictions would limit the ability of the executive branch to take the steps necessary to develop alternative locations for a detention facility, and from fulfilling its commitment to close the facility at Guantanamo.”

Mr. Chairman, it is truly astonishing that in 2016 the United States continues to hold people indefinitely who have not been charged, let alone convicted, of any crime and who, in some cases, have been judged not to pose any threat to the United States. By continuing to hold prisoners indefinitely without charging them and without trial is inconsistent with our professed support of liberty.

Now, I know some will say the detainees are dangerous terrorists, and some undoubtedly are. But some of them are not. They are merely people who were captured in some way but who have not been charged or judged as terrorists. Some of them are simply victims of the fact that the United States paid bounties to people in Afghanistan years ago to turn in people who they said were terrorists. The Hatfields turned in the McCoys because—why not? We were giving them a bounty of a few thousand dollars a head.

For the truly dangerous, we ought to prosecute them and, if convicted, punish them appropriately. We have, for those who need it, supermax prisons in the United States from which no one has ever escaped. There is no reason to spend so much money in Guantanamo and have this continuing shame on the reputation of the United States.

Speaking of money, GTMO is the world's most expensive prison by far. We are spending about \$2.9 million annually per prisoner. It costs us less than \$35,000 per prisoner to hold someone in a supermax facility in the United States. Frankly, they don't deserve the spending. We should be spending that money here in the United States, not on terrorists, but on teachers or maybe on defense. No one will argue that that money could not be spent better somewhere else.

Finally, Mr. Chairman, I include in the RECORD a letter signed by more than 30 retired generals urging the Congress to responsibly close the detention facility at Guantanamo. They quote President George Bush when he said that the facility had become a “propaganda tool for our enemies.”

MARCH 1, 2016.

Senator JOHN MCCAIN,  
*Chairman, Senate Armed Services Committee,*  
*Russell Senate Building, Washington, DC.*

Senator JACK REED,  
*Ranking Member, Senate Armed Services Committee,*  
*Russell Senate Building, Washington, DC.*

Representative MAC THORNBERRY,  
*Chairman, House Armed Services Committee,*  
*Rayburn House Office Building, Washington, DC.*

Representative ADAM SMITH,  
*Ranking Member, House Armed Services Committee,*  
*Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMEN AND RANKING MEMBERS: For over seven years we, a group of retired flag and general officers of the United States Armed Forces, have advocated the responsible closure of the detention facility at Guantanamo Bay. We have done this because it is what is best for our country. It is in our national security interests, and above all, it is about reestablishing who we are as a country.

Last week the administration presented its plan for closing the Guantanamo Bay detention facility. As the chairmen and ranking members of the House and Senate Armed Services Committees, yours is a solemn responsibility. We write to encourage you to use this plan as a foundation to come together and find a path to finally shutter the detention facility. This should not be a political issue. Former President George W. Bush determined that Guantanamo should be closed because, in his words, “. . . the detention facility had become a propaganda tool for our enemies and a distraction for our allies. I worked to find a way to close the prison without compromising security.” The current plan similarly seeks to achieve that objective, following the advice of our nation's top military, intelligence, and law enforcement leaders.

Closing Guantanamo will not be easy, but it is the right thing to do, and we call on you to work together to accomplish it. We take heart that our nation has elected people who will exercise their conscientious judgment, but who will not allow politics to obscure courage. Compromise for the common good is the true exercise of leadership and courage.

Sincerely,

General Charles Krulak, USMC (Ret.); Vice Admiral Richard H. Carmona, USPHS (Ret.); Lieutenant General Robert G. Gard, Jr., USA (Ret.); Lieutenant General Richard L. Kelly, USMC (Ret.); Lieutenant General Charles Ostott, USA (Ret.); Lieutenant General Keith J. Stalder, USMC (Ret.); Major General Eugene Fox, USA (Ret.); Rear Admiral John D. Hutson, JAGC, USN (Ret.); Major General Michael R. Lehnert, USMC (Ret.); Major General Eric T. Olson, USA (Ret.); Major General Walter L. Stewart, Jr., USA (Ret.); Major General Margaret Woodward, USAF (Ret.); Brigadier General David M. Brahms, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.).

General David M. Maddox, USA (Ret.); Lieutenant General John Castellaw, USMC (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Lieutenant General Norman R. Seip, USAF (Ret.); Major General Paul D. Eaton, USA (Ret.); Rear Admiral Don Guter, JAGC, USN (Ret.); Major General Carl B. Jensen, USMC (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Antonio M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.).

Brigadier General Alan K. Fry, USA (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General Richard O'Meara, USA (Ret.); Brigadier General Daniel P. Woodward, USAF (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

Mr. NADLER. So, again, for all these reasons—it weakens our security, it drains our resources, it emboldens our enemies, and it is contrary to liberty and everything that we stand for—I urge my colleagues to support this amendment and to lift these restrictions on closing the detention facility at Guantanamo Bay. If people must be kept in prison, then they can be kept here a heck of a lot more cheaply and without subjecting us to the continued propaganda against Guantanamo.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana (Mrs. WALORSKI), a distinguished member of the Armed Services Committee.

Mrs. WALORSKI. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

Mr. Chairman, I want to take particular issue with a point made by the gentleman from New York. He is saying we can't afford to keep Guantanamo open. I stand here today and declare to you that we can't afford to close it.

Let's look at the numbers. According to SOUTHCOM, which runs the detention facility, the annual operating cost is just over \$100 million. However, according to this administration's own figures, the cost to renovate a facility in the United States is nearly half a billion dollars, not including the annual operating costs.

Mr. Chairman, what is the life of an American worth? Is the gentleman from New York willing to stand here and have that conversation? I don't think so.

This is a misguided amendment that would not make Americans safer. It is in the best interests of our national security to keep Guantanamo Bay open, and, as the numbers show, it is also in the best interests of the American taxpayer.

I just also want to respond to another quick comment over here where he talked about some of those people are just merely detained. I just want to remind us in this Chamber that these are the worst of the worst. These are the most hardened terrorists the world has ever seen, and, more importantly, they have the blood of Americans on their hands and should be kept in a safe facility where they are.

Mr. Chairman, I urge my colleagues reject this amendment.

Mr. NADLER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard again the mantra from the other side: These people are the worst of the worst. They have American blood on their hands.

Some of them may, but many of them don't. They have not been tried. I don't know with what authority you say they are the worst of the worst; they have American blood on their hands. True of some, not of others.

What kind of system is it for the United States to simply take people, not try them, not accuse them, and hold them indefinitely because somebody says that they are the worst of the worst? On what authority and on what proof?

As for the funding, it costs between \$3 million and \$5 million—\$2.9 million here in 2013, closer to \$5 million now—per person per year. It costs \$35,000 to hold someone in a supermax facility. I don't know why we have to build new supermax facilities, but if we do, we should. The point is it is incredibly expensive to keep them there for no reason.

Again, some of those people ought to be tried and sentenced to life imprisonment or whatever, some of them ought to be freed. Some of them have been judged not to be, have already been found not to be a danger to the United States. Simply repeating over and over again that they are all the worst of the worst, they all have American blood on their hands, when it is simply not true—some of them yes, some of them no—does not make the case.

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. WENSTRUP) of the Armed Services Committee.

Mr. WENSTRUP. Mr. Chairman, I rise in opposition to the Nadler amendment because the amendment would allow detainees currently housed at Guantanamo to be transferred to the United States. Why? Why do you want to do that, to endanger our communities? That is what I ask, Mr. Chairman.

I served at Abu Ghraib prison in Iraq. We were attacked three, four times a week. Why? To try to release these prisoners. We have seen that our enemy is capable of planning and, in some instances, launching attacks within the United States.

Currently, this move is not allowed. We asked the President for details on a plan. It was said that it was comprehensive. It didn't say where they would be housed or what the housing would entail or how much it would cost the taxpayer. This was not a serious plan.

What we do need, however, is a consistent policy on how to deal with future terrorist detainees. I would agree with that. Guantanamo remains our best option right now. It is a safe and

appropriate location to hold detainees. It is secure and distant from our homeland.

Guantanamo also provides humane conditions for the detainees. They have appropriate access to health care, the same as our troops have there. They have recreational activities, culture, and religious materials.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kansas (Mr. POMPEO), who serves on the Permanent Select Committee on Intelligence.

Mr. POMPEO. Mr. Chairman, I rise in opposition to the Nadler amendment as well. These are, in fact, the worst of the worst. The detainees that remain now, well under 100, are not cooks and bottle washers, but serious men who meant to do serious harm to the United States.

I want to spend the time that I have talking about a particularly pernicious argument that has been made in favor of closing this facility. It is an argument that says that these men attacked America because of the existence of Guantanamo Bay. It is inaccurate, it is false, and the facts don't support that claim.

Indeed, we have evidence, 34 translated messages from al Qaeda, from terrorists, talking about the reasons for their attacks, and only 7 times was Guantanamo Bay ever mentioned. It was mentioned in each case as a glancing issue. Iraq, Afghanistan, and even the Crusades were mentioned hundreds of times, but Guantanamo Bay is not the reason that they attacked America.

I can tell you that we wrote a letter to the Director of National Intelligence, Mr. Clapper. He, too, confirmed that this is not a motivation for the attacks. We should remember that these attacks began well before the existence of Guantanamo Bay.

The fact that Guantanamo Bay acts as an agent to promote terrorism is false and must be rejected, as must this amendment.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado (Mr. COFFMAN), who is a member of the House Armed Services Committee.

Mr. COFFMAN. Mr. Chairman, I rise today in strong opposition to this amendment. The Obama administration's efforts to close the prison at Guantanamo Bay are both irresponsible and dangerous.

A report from January of this year by the Office of the Director of National Intelligence indicates that the number of Guantanamo detainees released by the Obama administration and suspected of returning to the battlefield has doubled since the last recidivism report in 2015.

Those who remain in Guantanamo Bay are the worst of the worst; so it is safe to presume that, if released, an even higher percentage of them would remain a threat to our national security. These are not U.S. citizens. They

are foreign, unlawful enemy combatants that have directly supported hostilities against the United States and our allies.

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Mr. Chairman, I have and will continue to oppose any attempt to transfer these detainees to my home State of Colorado or to any other State. They must be kept at Guantanamo Bay.

The Acting CHAIR. The time of the gentleman has expired.

Mr. THORNBERRY. I yield the gentleman an additional 10 seconds.

Mr. COFFMAN. Congress has a responsibility to the American people to ensure that these unlawful enemy combatants are not brought to the United States. Mr. Chairman, these congressional restrictions must remain in place.

Mr. SMITH of Washington. Mr. Chairman, how much time does the other side have remaining?

The Acting CHAIR. The gentleman from Texas has 45 seconds remaining.

Mr. THORNBERRY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri (Mrs. HARTZLER), the chair of the Oversight and Investigations Subcommittee.

Mrs. HARTZLER. Mr. Chairman, it is reckless to propose this amendment. Not only does it allow them to come here on our own shores and live in our own neighborhoods, but the administration has estimated it would cost potentially \$475 million just to move them here.

It also removes the prohibition that these detainees could be transferred to Somalia, Libya, and Syria. We do not want these terrorists released back onto the battlefield where they could kill our soldiers.

This is a reckless amendment. It needs to be defeated. We need to keep them at GTMO, use our taxpayer dollars wisely, and ensure the safety of our neighborhoods.

Mr. THORNBERRY. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MRS. WALORSKI

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 114-569.

Mrs. WALORSKI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title X, add the following:

**SEC. 10. APPLICATION OF THE FREEDOM OF INFORMATION ACT TO THE NATIONAL SECURITY COUNCIL.**

(a) IN GENERAL.—Section 552(f)(1) of title 5, United States Code (commonly referred to as the Freedom of Information Act), is amended by inserting “and the National Security Council” after “the Executive Office of the President”.

**(b) EFFECTIVE DATE; APPLICATION.—**

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which the first Assistant to the President for National Security Affairs is appointed by the President, by and with the advice and consent of the Senate, pursuant to section 101(d)(1)(B) of the National Security Act of 1947 (50 U.S.C. 3021(d)(1)(B)), as added by title IX of this Act.

(2) APPLICATION.—The amendment made by subsection (a) shall apply with respect to any record created by the National Security Council on or after the date specified in paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 732, the gentlewoman from Indiana (Mrs. WALORSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. WALORSKI. Mr. Chair, I yield myself such time as I may consume.

I rise today to offer an amendment which addresses both the incredibly important role played by the President's National Security Council, but also the concerning trend of consolidation of authority in the White House.

Over the past two administrations, the NSC has transformed from simply a coordination and advisory body to something else entirely.

We recently heard from President Obama's three former Secretaries of Defense—Gates, Panetta, and Hagel—each outlining the challenges they faced in trying to manage the Defense Department and combat operations in the face of a more intrusive NSC.

Most notably, Secretary Gates said: “It was the operational micromanagement that drove me nuts of White House and NSC (National Security Council) staffers calling senior commanders in the field . . . second guessing commanders.”

The NSC was never intended to operate in this manner. It was intended to be an advisory body and interagency coordination center for the President. However, its size has exploded from roughly 100 staffers under President Clinton, to 200 under President Bush, and now 400 under President Obama.

Moving decisionmaking away from the departments undermines the authority of Secretaries and General officers who have been confirmed by the Senate and concentrates power with unelected, unconfirmed, and unaccountable bureaucrats who care more about optics and narratives.

This is best illustrated in the recent profile of Deputy National Security Advisor Ben Rhodes, who has a master's in creative writing and no practical experience in foreign policy.

Mr. Chairman, the National Security Council has moved far beyond its original advisory role to one in which NSC

staffers make critical operational decisions.

My amendment simply restores accountability to this operational organization by requiring the NSC to participate in the Freedom of Information Act, or FOIA, upon coordination of the National Security Advisor by the Senate.

Bringing the NSC under FOIA is not without precedent. The NSC actually maintained a FOIA program and complied with requests under Presidents Ford, Carter, Reagan, Bush, and Clinton. However, a 1996 court case ruled that, since it was an advisory body, it did not need to participate.

The NSC is not simply an advisory body anymore. It is time to bring it back under FOIA and shine light on its activities.

This amendment fits well into Chairman THORNBERRY's broader NSC reform efforts. I thank him for making this a priority in this year's NDAA.

As the chairman outlined earlier, these provisions will make it clear to future administrations that the NSC cannot continue to just grow in size and mission without consequential oversight measures.

I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY), the esteemed chairman of the House Armed Services Committee.

Mr. THORNBERRY. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, the gentlewoman makes the point very well that, at a certain point, you get enough people that the institution of the National Security Council staff takes on different characteristics.

When it has those different characteristics, then you have to comply with FOIA, then you have to be confirmed by the Senate, and then you have to be able to come before Congress and justify the decisions that you have made.

That is the point with both of our amendments, that there comes a point that basic nature changes and there are implications of that, including the one that is related to the gentlewoman's amendment.

I support her amendment, and I hope Members will support it.

Mrs. WALORSKI. Mr. Chairman, I thank the chairman for his strong support.

Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. ZINKE), my friend and colleague on the Armed Services Committee.

Mr. ZINKE. Mr. Chairman, I rise today to support my colleague from Indiana's amendment.

The amendment is simply about restoring public accountability and transparency to the National Security Council.

As a former Deputy Commander of Special Operations in Iraq, I have personally seen what happens. Oftentimes, our rules of engagement that dictate how we fight are politicized and it diminishes our ability to fight. I have seen it. It is time to change.

If they move out of an advisory role to a role where they are commanding and interpreting commands, then we need FOIA. America deserves accountability. America deserves our ability to look at who is calling the shots and why.

This is not a hit on the administration. This is an American issue. When a role is advisory and comes from advisory to command, then that command needs to be held accountable. That is what we do.

Mrs. WALORSKI. Mr. Chair, I thank the gentleman from Montana.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chair, none of what has been said really changes under these amendments. What all this really is is an argument to get rid of the NSC, to say that this group of folks should not exist. As we argued before, the reason the National Security Council was created was to offer the President close and confidential advice.

Now, that National Security Council, as was pointed out by other people who have made arguments about this, has consistently been criticized by the other Departments, going all the way back, I imagine, to when the NSC was formed. Whether there is 100, 200, or 300 of them, that really doesn't change that basic conflict.

Do you believe the President needs these confidential advisers? If you do, then you should oppose these amendments. They should get rid of the NSC. If you are going to take away the advice and their ability to do that, then we should just have the DOD and the President shouldn't have these advisers.

But there is a reason the NSC was created in the first place, to give the President those close advisers. Further restricting it in this manner effectively eliminates the NSC.

Mr. Chair, I yield back the balance of my time.

Mrs. WALORSKI. Mr. Chairman, this is absolutely not an amendment to get rid of the NSC. This just simply brings accountability and transparency into a very important agency, into a White House that has taken this to no longer just an advisory agency role on behalf of the American people who we serve.

I ask my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. WALORSKI).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. THORNBERRY OF TEXAS

Mr. THORNBERRY. Mr. Chairman, pursuant to House Resolution 732, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.



Amendments en bloc No. 2 consisting of amendment Nos. 19, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 printed in part B of House Report 114-569, offered by Mr. THORNBERRY of Texas:

AMENDMENT NO. 19 OFFERED BY MR. CALVERT OF CALIFORNIA

At the end of title XI, add the following new section:

**SEC. 1112. REPORT ON DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE PERSONNEL AND CONTRACTORS.**

(a) FINDINGS.—Congress finds the following:

(1) A large, disproportionate, and duplicative civilian work force coupled with bureaucratic, structural inefficiencies has detracted from the Pentagon's production of combat power and its ability to modernize.

(2) The recent uniformed military draw-down has not been accompanied by an equivalent reduction of either the civilian or contractor work force. Right sizing the civilian workforce must be statutory in number but implemented with executive discretion. Across-the-board cuts to the defense civilian workforce are not the answer.

(3) Spending on contract services is over 50 percent of all Department of Defense purchases even as the total defense budget has dropped. Expenditures in services contracting lack appropriate oversight, accountability, and scrutiny.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of Defense shall submit a preliminary report within 90 days after the date of the enactment of this Act, and a final report within 180 days after such date, to the congressional defense committees detailing the structure and number of the civilian workforce and contractors of the Department of Defense.

(2) CONTENTS.—Except as provided in paragraph (3), each report shall include the following for each of fiscal years 2017 through 2020, including a breakdown in location, job function, General Schedule (GS) level, and date of when the job was created for the following individuals:

(A) The total number of full time equivalent employees, including each of the following:

(i) The total number of Senior Executive Service employees and their assignments.

(ii) The total number of civilian employees of the Department of Defense within the military health care system.

(iii) The total number of civilian employees of the Department employed at depots, arsenals, and ammunition facilities.

(B) The total number of civilian contractors of the Department of Defense, including each of the following:

(i) The total number of civilian contractors for weapons acquisitions.

(ii) The total number of civilian contractors for services or labor for non-weapon systems acquisitions.

(iii) The total number of civilian contractors employed at depots, arsenals, and ammunition facilities.

(3) PRELIMINARY REPORT.—The preliminary report provided under this subsection—

(A) shall cover the contents described in paragraph (2) in as much detail as is ascertainable within 90 days after the date of the enactment of this Act; and

(B) shall include an explanation of any impediments to developing a complete and final report by 180 days after such date of enactment.

AMENDMENT NO. 28 OFFERED BY MR. COLLINS OF NEW YORK

At the end of subtitle B of title III, insert the following new section:

**SEC. 3. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS DISPOSAL.**

In carrying out the disposal of munitions in the stockpile of conventional ammunition

awaiting demilitarization and disposal (commonly referred to as munitions in the "B5A account") the Secretary of the Army shall consider using cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal by open burning, open detonation, direct contact combustion, and incineration.

AMENDMENT NO. 29 OFFERED BY MR. RUSSELL OF OKLAHOMA

At the end of title III, add the following new section:

**SEC. 3. MOTOR CARRIER SAFETY PERFORMANCE AND SAFETY TECHNOLOGY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the commander of the United States Transportation Command, should reassess the guidelines for the evaluation of motor carrier safety performance under the Transportation Protective Services program taking into consideration the Government Accountability Office report numbered GAO-16-82 and titled "Defense Transportation: DoD Needs to Improve the Evaluation of Safety and Performance Information for Carriers Transporting Security-Sensitive Materials".

(b) EVALUATION OF SAFETY TECHNOLOGY.—To avoid catastrophic accidents and exposure of material, the Secretary shall evaluate the need for proven safety technology in vehicles transporting Transportation Protective Services shipments, such as electronic logging devices, roll stability control, forward collision avoidance, lane departure warning systems, and speed limiters.

AMENDMENT NO. 30 OFFERED BY MR. COSTA OF CALIFORNIA

At the end of title III, add the following new section:

**SEC. 3. BRIEFING ON WELL-DRILLING CAPABILITIES OF ACTIVE DUTY AND RESERVE COMPONENTS.**

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives (and other congressional defense committees on request) a briefing on the well-drilling capabilities of the active and reserve components.

(b) ELEMENTS.—The briefing under subsection (a) shall include a description of—

(1) the training requirements of active and reserve units with well-drilling capabilities;

(2) the locations at which such units conduct training relating to well-drilling; and

(3) the cost and feasibility of rotating the training locations of such units to areas in the United States that are affected by drought conditions.

AMENDMENT NO. 31 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

At the end of subtitle B of title V (page 119, after line 18), add the following new section:

**SEC. 515. ELECTRONIC TRACKING OF OPERATIONAL ACTIVE-DUTY SERVICE PERFORMED BY MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.**

The Secretary of Defense shall establish an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The tour calculator shall specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

AMENDMENT NO. 32 OFFERED BY MS. MENG OF NEW YORK

At the end of subtitle E of title V, add the following:

**SEC. 568. REPORT ON COMPOSITION OF SERVICE ACADEMIES.**

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the demographic composition of service academies that includes—

(1) an analysis of—

(A) the demographic composition of each service academy's—

(i) recruits;

(ii) nominees;

(iii) applicants;

(iv) qualified applicants;

(v) admits;

(vi) enrollees;

(vii) graduates; and

(viii) graduate occupation placement;

(B) how such composition compares to the demographic composition of—

(i) the United States;

(ii) enlisted members of the Armed Forces;

(iii) officers of the Armed Forces; and

(iv) other institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(C) the demographic composition of each quintile of academic ranking for each service academy's graduating class;

(2) a description of the considerations given to demographic composition in each service academy's—

(A) recruitment efforts (including funding decisions made to further such efforts);

(B) qualification decisions; and

(C) admissions decisions; and

(3) recommendations for best—

(A) recruitment practices;

(B) nominating practices;

(C) qualification decision practices; and

(D) admissions practices.

(b) DEFINITION.—In this section the term "service academy" means each of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

(c) SCOPE OF REPORT.—The report required by this section shall examine each service academy class admitted following the date of enactment of section 543 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

AMENDMENT NO. 33 OFFERED BY MR. PALMER OF ALABAMA

At the end of subtitle G of title V (page 162, after line 20), add the following new section:

**SEC. 585. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO FIRST LIEUTENANT MELVIN M. SPRUIELL FOR ACTS OF VALOR DURING WORLD WAR II.**

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to First Lieutenant Melvin M. Spruiell of the Army for the acts of valor during World War II described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of First Lieutenant Melvin M. Spruiell

on June 10 and 11, 1944, as a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division.

AMENDMENT NO. 34 OFFERED BY MS. SEWELL OF ALABAMA

Page 143, line 3, add after the period the following: "The cyber institute may place a special emphasis on entering into a partnership under this subsection with a local educational agency located in a rural, underserved, or underrepresented community."

AMENDMENT NO. 35 OFFERED BY MR. TAKANO OF CALIFORNIA

Page 150, after line 4, insert the following:

(C) A comparison of the pilot program to other programs conducted by the Department of Defense and Department of Veterans Affairs to provide unemployment and underemployment support to members of the reserve components and veterans.

Page 150, line 5, strike "(C)" and insert "(D)".

AMENDMENT NO. 36 OFFERED BY MR. GRAYSON OF FLORIDA

At the end of subtitle E of title V (page 153, after line 9), add the following new section:

**SEC. 568. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG, OPIOID, AND OTHER SUBSTANCE ABUSE COUNSELING AS PART OF REQUIRED PREPARATION COUNSELING.**

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: "and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse".

AMENDMENT NO. 37 OFFERED BY MR. BOST OF ILLINOIS

At the end of subtitle F of title V insert the following:

**SEC. \_\_\_\_\_ . IMPACT AID.**

Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1806), the amendment made by section 7004(1) of such Act (Public Law 114-95; 129 Stat. 2077)—

(1) for fiscal year 2016, shall—

(A) be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802); and

(B) be in effect with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114-95; 129 Stat. 1802).

AMENDMENT NO. 38 OFFERED BY MS. DELBENE OF WASHINGTON

At the end of subtitle F of title V (page 156, after line 23), add the following new section:

**SEC. 573. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMITATION FOR NON-COMPETITIVE APPOINTMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES.**

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) NO TIME LIMITATION ON APPOINTMENT.—A relocating spouse of a member of the Armed Forces remains eligible for non-competitive appointment under this section for the duration of the spouse's relocation to the permanent duty station of the member."

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Texas (Mr. O'ROURKE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, each of these amendments have been coordinated with both sides of the aisle. I urge Members to support this en bloc package.

I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank the chairman for yielding me the time in today's debate.

Mr. Chairman, as part of the Department of Defense's Innovative Readiness Training, a mission that provides military training and resources and supports local communities throughout the country, there are four National Guard teams that are currently practicing the fine art of well drilling in the United States prior to deploying abroad. Clearly, we know in parts of the Middle East having the water resources available to support our troops is absolutely essential.

My amendment has the potential to help areas, though, in our country today as part of this training program. Regions throughout the country have experienced devastating droughts. Those in the area that I represent, the San Joaquin Valley of California, have experienced a loss of drinking water supplies as a result of these serious drought conditions they have had to face.

In California alone, there have literally been thousands and thousands and thousands of households that have been without access to drinking water.

The Acting CHAIR. The time of the gentleman has expired.

Mr. O'ROURKE. I yield the gentleman an additional 1 minute.

Mr. COSTA. Mr. Chair, I thank the gentleman.

This amendment would try to respond to those thousands of households that have lost their source of drinking water. This amendment would require the Department of Defense to provide a report to Congress on the well drilling capabilities of military units and the feasibility of rotating their training locations so that they can do their training in areas where the devastating droughts have impacted to the greatest degree, primarily in western States.

I think this is a commonsense amendment. I ask that it be adopted.

Mr. O'ROURKE. Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I urge adoption.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I rise to note my reservations about the characterization of civilian employees in the Calvert amendment to the Fiscal Year 2017 National Defense Authorization Act. Although I believe it is important that we have a good assess-

ment of the number and location of our civilian and contractor personnel who work at the Department of Defense, I believe it is also important that we accurately reflect the critical role that our federal civilians play in ensuring the military readiness of our nation.

I have the distinct privilege of representing Hill Air Force Base in Ogden, Utah and serving on the House Armed Services Committee, Subcommittee on Readiness. As such, I have had a front row seat reviewing our nation's combat power and the role played by the civilian workforce in generating and supporting combat power. I can tell you that our civilian workforce does not detract from combat power, but serves as a force multiplier and as part of the backbone of military readiness. Without the men and women who serve at the Ogden Air Logistics Complex at Hill Air Force Base, as well as the other Air Logistics Complexes and military depots around the country in all of the services, we would have mission failure in any number of military aircraft on a daily basis, failing our warfighters, and costing lives. It is time that we stand up and salute our nation's federal civilians who work at the Department of Defense. Their work is valuable and their contributions are numerous.

I think we need to tread very carefully in asserting Congressional findings that would cast a wide-net of negative aspersions on thousands of defense civilians who directly support the war fighter, and often make substantial sacrifices to do so. I am concerned that they are not unfairly pegged as being wasteful or superfluous to readiness. Yes, let's conduct oversight and study the defense civilian workforce, but let's hold off making such findings until after the facts are in and the defense committees have had adequate time to review and analyze the results. To do otherwise puts the cart before the horse, and is frankly unfair to thousands of my constituents who have suffered under this Administration's illegal decision to direct furloughs of working capital fund employees without pay. We cannot continue to treat our depot civilians in this manner without profound negative consequences to hard working families and ultimately to the warfighter.

Mr. COLE. Mr. Chair, I rise to express my concern with only certain aspects of the Calvert amendment that is included in part of the second en bloc of amendments to the Fiscal Year 2017 National Defense Authorization Act. I respect my colleague from California and his attempt to catalogue the numbers of civilians and contractors performing work for the Department of Defense; however, I object to the characterization of civilian employees and their role in the military structure.

I have the great privilege of representing the men and women who serve our nation at Tinker Air Force Base and Fort Sill. There is no finer group of people anywhere in the world. They are patriots. And they serve as the backbone of military readiness for the U.S. Air Force and for the United States military. Without the work performed at Tinker, located in Oklahoma City, many of our most complex aircraft simply would not be mission ready. The aircraft could not be flown and our nation's defense would be greatly degraded. Therefore, to find that our civilian workforce is disproportionate, duplicative and is detracting from combat power is incorrect. Civilian employees are essential to the operations and readiness of our military. We simply cannot do the mission without them.



I agree with the finding that across-the-board cuts to the defense civilian workforce are not the answer. However, it is important to note, that all areas of the workforce do not need additional cuts. For example, depots had already taken a greater percentage cut than the military and now we find ourselves in the unfortunate position that for military readiness purposes—for the absolute necessity of supporting our warfighter—we are in the position of requiring some of our Air Logistics Complexes to hire over 1,000 additional personnel per year for a 2 year period. In fact, this bill contains a provision which will provide direct hire authority so that the services can hire the people they need, quickly and efficiently. Sometimes in our zeal to limit or cut our civilians, we lose sight of the mission and make assumptions that are not rooted in fact.

Again, I want to commend and thank our outstanding civilian workforce and particularly those who live and work in the great State of Oklahoma for their skill and their dedication to the military mission. Their contributions to our great country should be acknowledged and commended.

Mr. CALVERT. Mr. Chair, Chairman MAC THORBERRY, and Ranking Member ADAM SMITH, I rise in support of Rules Amendment Number 161 to H.R. 4909, the National Defense Authorization Act (NDAA) for Fiscal year 2017. However, I would first like to thank you for your thoughtful approach in writing this year's bill; it was not an easy task. The particular focus on end-force readiness restoration is to be commended; we cannot ask members of the armed forces to defend their country and democracy without adequately outfitting and training the soldier, unit and force. Additionally, I am pleased to see the NDAA's approach toward much needed acquisition reform, healthcare reform, Goldwater Nichols reform and more.

However, as we debate today it is incumbent on us as Members of Congress to continue the discussion about the right mix of active duty, civilian and contractors at the Department of Defense.

The recent uniformed military drawdown has not been accompanied by an equivalent reduction of either the civilian or contractor workforce as in drawdowns in the past.

A large, disproportionate, and duplicative workforce coupled with bureaucratic, structural inefficiencies has detracted from the Pentagon's production of combat power and its ability to modernize.

Right sizing the civilian workforce must be multifaceted, statutory in number, and implemented with executive discretion. Across the board cuts to the defense civilian workforce are not the answer.

Spending on contract services is over 50 percent of all Department of Defense purchases even as the total defense budget has dropped. Expenditures in service contracting lack appropriate oversight, accountability, and scrutiny.

However, no proper approach to addressing the civilian workforce may be accomplished without first understanding who these civilian workers are, where they are located, and what jobs they are performing. My amendment, Rules Committee Number 161, seeks a report by the Department of Defense on the total civilian workforce picture. In the past, reports have been requested but are fragmented in nature. The report I am requesting will require

a projection from fiscal years 2017 through 2020 of Full Time Equivalent (FTE) and contractor employees broken down into several sub-categories including location, job function, General Schedule (GS) level, and date of when the job was created.

As we debate the Fiscal Year 2017 National Defense Authorization Act (NDAA), it is incumbent on us as Members of Congress to continue the discussion about the right mix of active duty, civilian and contractors at DoD.

Mr. BEYER. Mr. Chair, I rise to express my concern with certain aspects of the Calvert amendment that is included in part of the en bloc amendments to the Fiscal Year 2017 National Defense Authorization Act that we will pass by voice vote. My colleague from California has every right to attempt to catalogue the quantity of civilian and contractors within the Department of Defense. But I must object to his characterization of our civilian defense employees' roles.

I am lucky enough to represent nearly 80,000 federal employees, many of whom work at the Pentagon, Joint Base Myer-Henderson Hall, Fort Belvoir, or one of the myriad Department of Defense installations around Northern Virginia. This includes ground breaking work at the Defense Advanced Research Projects Agency, important work to keep us safe at Defense Threat Reduction Agency, and the jobs supplying our military with the tools it needs at the Defense Logistics Agency. Our nation, its people, and its defenses would not be possible without the dedicated work of these individuals.

Mr. CALVERT's effort to categorize these civilian defense employees as disproportionate or duplicative undermines the incredible work they do every day to keep our military running. The ability to produce combat power, modernize, and keep our troops healthy and safe are critical functions at the Department of Defense. Moreover, they are critical functions performed by highly intelligent, accomplished, and dedicated civilian employees.

Our civilian workforce has already weathered years of uncertain budgets, pay freezes, a government shutdown, and sequester furloughs. We should not further demean the important work they do with this amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORBERRY).

The en bloc amendments were agreed to.

AMENDMENT NO. 14 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 114-569.

Mr. POE of Texas. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 394, after line 5, insert the following:  
**SEC. 1048. REQUIREMENT RELATING TO TRANSFER OF EXCESS DEPARTMENT OF DEFENSE EQUIPMENT TO FEDERAL AND STATE AGENCIES.**

Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) PREFERENCE FOR BORDER SECURITY PURPOSES.—(1) In transferring the personal property described in paragraph (2) under

this section, the Secretary of Defense shall give preference to Federal and State agencies that agree to use the property primarily for the purpose of strengthening border security along the southern border of the United States.

“(2) The personal property described in this section is—

“(A) surveillance unmanned aerial vehicles, including the MQ-9 Reaper (also known as the ‘Predator B’) and the Aerostat radar system;

“(B) night-vision goggles; and

“(C) high mobility multi-purpose wheel vehicles (commonly known as ‘humvees’).”.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, I ask unanimous consent that amendment No. 14 be modified in the manner that I have placed and filed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO AMENDMENT NO. 14 OFFERED BY MR. POE OF TEXAS

Page 394, after line 5, insert the following:  
**SEC. 1048. REQUIREMENT RELATING TO TRANSFER OF EXCESS DEPARTMENT OF DEFENSE EQUIPMENT TO FEDERAL AND STATE AGENCIES.**

Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) PREFERENCE FOR BORDER SECURITY PURPOSES.—(1) In transferring the personal property described in paragraph (2) under this section, the Secretary of Defense may give first preference to the Department of Homeland Security and then to Federal and State agencies that agree to use the property primarily for the purpose of strengthening border security along the southern border of the United States.

“(2) The personal property described in this section is—

“(A) unmanned aerial vehicles;

“(B) the Aerostat radar system;

“(C) night-vision goggles; and

“(D) high mobility multi-purpose wheel vehicles (commonly known as ‘humvees’).”.

Mr. POE of Texas (during the reading). Mr. Chair, I ask unanimous consent that the modification be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Is there objection to the modification?

There was no objection.

□ 1730

Mr. POE of Texas. I thank the chairman of the full committee.

Mr. Chair, this amendment is very similar to amendments that have been on this House floor before, presented by me and others, and is similar to an amendment that passed unanimously in the FY 2015 NDAA. It is called the SEND Act. It addresses the process of sending excess military equipment, which is not being used, to our border security folks to help them secure the border. That is the purpose of previous

amendments and legislation that started all the way back in 2011.

One way that the Department of Defense helps the Border Patrol is through the transfer of equipment that it deems to be in excess to its needs. Under current law, the transfer of this excess equipment gives some preference to counterdrug, counterterrorism, and some border security activities.

This amendment simply takes that preference a step further, giving border security preference for a few specific pieces of equipment which are particularly useful for border security applications: unmanned surveillance vehicles, including aerostat blimps that are now being used, night vision goggles, and Humvees.

The Border Patrol, as we all know, is the first and last line of defense against criminal gangs that come into the United States. In my home State of Texas, I have been to the border numerous times, and we have the same issue that other border States have with the criminal drug cartels, which are involved in not only bringing drugs into the United States, but in trafficking humans for sex slavery, labor slavery, and other purposes.

After talking with them about many, many issues, we found out the situation on the border regarding equipment. A Texas ranger once told me that the drug cartels outman, outgun, out-finance, and out-equip the Border Patrol and those who are on the border who are trying to protect us from those criminal gangs that are coming into the United States.

One of the issues the last time I was down at the border 2 or 3 weeks ago was that the Border Patrol was actually excited about these aerostats that are being used. That is a blimp that they put up in the sky, and it helps in surveillance along the border. They need more of those on the border. Of course, this amendment does exactly that. It gives a preference to those specific items that are mentioned in the amendment for the Border Patrol to use for border security purposes.

Mr. Chair, I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. O'ROURKE. Mr. Chair, I yield myself 3 minutes.

This amendment is a solution in search of a problem. In fact, I think it will exacerbate some of the security problems we already have.

As the gentleman knows, the border security agencies can already apply for this excess military equipment, but I ask those representatives who represent the people who live on the U.S. side of the U.S.-Mexico border—cities like San Diego, California; Nogales, Arizona; El Paso, Laredo, and Brownsville, Texas—whether they want UAVs, or unmanned aerial vehicles, which

could also be MQ-9 Reapers, flying over their homes, their schools, their neighborhoods, prying into their backyards each and every day.

This is at a time when we are already spending \$18 billion a year to secure our border with Mexico and when we are seeing less than zero migration from Mexico itself. In the year 2000, we had 1.6 million apprehensions. This last year, we didn't even reach 400,000 apprehensions.

Of any border of which we are told by the Director of the National Counterterrorism Center, by the Director of the FBI, by the Secretary of Homeland Security that there has never been nor is there now a terrorist, a terrorist organization, or a terrorist plot that is seeking to exploit the border with Mexico, what this does is further takes our eye off the ball where we have known risks and known threats to this country and to the homeland. It stokes fear and anxiety and, in some cases, hatred towards our neighbor to the south, towards those communities on the U.S. side of the U.S.-Mexico border—communities like my own El Paso, Texas, which happens to be the safest city in the United States today.

Mr. Chair, I urge my colleagues to vote against this amendment that does not solve any problems and, I argue, would make some of the security issues that we already have worse.

Mr. Chair, I reserve the balance of my time.

Mr. POE of Texas. Mr. Chair, the first thing is that this amendment does not include the MQ-9 Reaper that the gentleman mentioned. It does not make a preference for that. I also take exception to the "hatred" comment that was made here.

Look, the border security in the United States has issues. The Border Patrol says we need to help find those illegal gangs that are coming into the United States. This is not about the surveillance of Americans and spying on Americans. It is on the border.

I yield such time as he may consume to the gentleman from Texas (Mr. CUELLAR), who represents part of the Texas border, the city of Laredo.

Mr. CUELLAR. Mr. Chair, I do support Mr. POE's amendment.

With all due respect to my good friend, we do want to secure the border. We just want to do it in the right way.

While some people are talking about securing the border with a wall—a 14th century solution—I think if we use the aerostats, we can provide coverage and surveillance to make sure that we secure the border. In fact, in south Texas, including in my district, we have five of those aerostats right now. The communities support them. The Border Patrol certainly supports them. In fact, in appropriations, I am asking for five new aerostats so we can go ahead and secure the border. Each aerostat covers about 20 miles. So if you want to cover the border—1,954 miles of border—divided by 20, with about 97 or 98 aerostats, minus the 5 that we al-

ready have in place, we will secure the border in an electronic way.

This also helps us secure the border on the Mexico side. In talking to the Border Patrol, they have used some of that information because they can go 20 miles into Mexico, and already we have coordinated some of those activities with the Mexican law enforcement officials to stop those drug gangs before they come over to the U.S. You turn the camera 20 miles into Mexico, and with about 97 aerostats, we can secure the whole border.

Again, I support this amendment, and I thank the gentleman very much for yielding.

Mr. O'ROURKE. Mr. Chair, I inquire as to how much time remains on my side.

The Acting CHAIR. The gentleman from Texas (Mr. O'ROURKE) has 3 minutes remaining.

Mr. O'ROURKE. Mr. Chair, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I thank the gentleman from Texas.

Mr. Chair, I rise in opposition to the Poe amendment.

This amendment would expand the military's authority under the 1033 program to flood our streets with surplus battle-ready military equipment straight from the battlefields of Iraq and Afghanistan.

Specifically, this amendment would allow the Defense Department to transfer equipment, such as the MQ-9 Reaper drone, to Federal and State law enforcement agencies. This is a cynical attack, cloaked in the name of border security on President Obama's executive order, that limits the proliferation of military equipment within the borders of America.

Typically, the 1033 program feeds more than \$4.3 billion in surplus military grade weaponry, including armored vehicles and tanks, into the United States annually. Now we have Republicans looking to expand the type of weaponry that is distributed to law enforcement under the 1033 program to include military drones.

While border security should remain at the forefront of our political discourse, the use of Grim Reaper drones and other military equipment to track and hunt down human beings is not the answer. An increase in manpower, training and facilities, not MQ-9 Reapers, is the way that we should go about our efforts in protecting our borders without sacrificing our values of respect for basic human rights and dignity.

Moreover, allowing military equipment, such as predator drones, into America's airspace puts Americans at risk. Federal agencies have already lost hundreds of guns and grenade launchers that have been donated to police departments, and many of these weapons have shown up for sale on eBay or have been reported stolen. I don't want to see this happen with equipment, such as military drones, being doled out to border security.

Further, the militarization of our State and Federal border security agencies will make the border more volatile and not safe. Therefore, I rise in opposition, and I ask my colleagues to support me in my opposition.

Mr. POE of Texas. Mr. Chair, how much time remains on my side?

The Acting CHAIR. The gentleman from Texas (Mr. POE) has 30 seconds remaining.

Mr. POE of Texas. I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chair, the gentleman from Texas says that the MQ-9 Reaper is not specifically addressed in this amendment. However, UAVs are—unmanned aerial vehicles—and the MQ-9 is one of them.

The point that I am trying to make is that we do not need to further militarize the border at a time when it is safer than it has ever been and when, in fact, U.S. cities on the U.S. side of the U.S.-Mexico border are far safer than the average city in the interior of this country. If we need to send surplus military equipment elsewhere, let it be prioritized based on need, based on known threat. When we send security resources where we don't have proven threats, we take them away from where we do. That makes this country less safe.

I urge my colleagues to vote against this amendment.

Mr. Chair, I yield back the balance of my time.

Mr. POE of Texas. Mr. Chair, I yield myself the balance of my time.

The government already has a plan to send excess equipment to law enforcement. What this bill does is prioritize that equipment to the Border Patrol. For those concerned about national spying that takes place in the United States, which they claim, they would support this because its priority is to the border. It is not to other agencies.

The gentleman from Laredo said it best. Mr. Chair, believe it or not, we cooperate with the Mexican Government, and they get information from us when we use those aerostats over the border, and they capture the bad guys before they come into the United States.

We need to support this amendment, prioritize it, and give them the equipment that they need.

And that is just the way it is.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. POE of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. KELLY OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 114-569.

Mr. KELLY of Pennsylvania. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 462, after line 13, insert the following:

**SEC. \_\_\_\_ . LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN LANDMINES AND REPORT ON DEVELOPMENT OF REPLACEMENT ANTI-PERSONNEL LANDMINE MUNITIONS.**

(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of anti-personnel landmine munitions before the date on which the Secretary of Defense submits the report required by subsection (c).

(b) **EXCEPTION FOR SAFETY.**—Subsection (a) shall not apply to any anti-personnel landmine munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report that includes the following:

(A) An assessment of the current state of research into operational alternatives to anti-personnel landmines.

(B) Any other matter that the Secretary determines should be included in the report.

(2) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **ANTI-PERSONNEL LANDMINE MUNITIONS DEFINED.**—In this section, the term “anti-personnel landmine munitions” includes anti-personnel landmines and sub-munitions as defined by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as determined by the Secretary.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Pennsylvania (Mr. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KELLY of Pennsylvania. Mr. Chair, I rise in strong support of amendment No. 16, to prohibit the use of funds to dismantle the U.S. stockpile of anti-personnel landmines, APLs, unless the Secretary of Defense submits a report to Congress on the operational alternatives to APLs.

Further, my amendment contains an exception for the destruction of APLs that would be unsafe to store. This amendment would effectively renew the ban that was passed by the full Congress and signed into law by the President in Public Law No. 114-92, the National Defense Authorization Act for Fiscal Year 2016.

Mr. Chair, our military commanders have spoken clearly regarding the

value and the need for APLs. On March 6, 2014, the United States' highest ranking military officer, Martin Dempsey, the Chairman of the Joint Chiefs of Staff, called anti-personnel landmines an important tool in the arsenal of the United States.

□ 1745

When he was head of the U.S. European Command, General Wesley Clark agreed, saying that “our field commanders count on APLs to protect the force, influence, maneuver, and shape the battle space, and mass combat power for decisive engagement.” He also added that the need for APLs was increasing.

Furthermore, two major studies, one conducted by the National Research Council and the other by NATO, have concluded that APLs provide crucial tactical advantages on the battlefield.

Yet on September 29, 2014, President Obama announced that outside of the Korean Peninsula, the U.S. would not use APLs in order to “underscore its commitment to the spirit and humanitarian aims of the Ottawa Convention.” The President's actions were, by his own admission, taken to move the U.S. towards full compliance with a treaty, commonly known as the Ottawa Convention, to which the Senate has not given its advice and consent. Moreover, this was created by an NGO-led process that openly sought to “push aside the central feature of state sovereignty.”

The process that created the treaty was bad. The treaty has not been approved by the Senate, not signed by the President, and our senior military officials state that it would deprive us of an important weapon. Yet the Obama administration seeks to move us forward in compliance with it.

The U.S. has taken action on APLs. We give more funding for APL clearance than any other nation in the world. We are party to amended Protocol II to the Convention on Certain Conventional Weapons, the CCW, which requires U.S. APLs to be designed to deactivate or self-destruct.

Our APLs meet those standards. U.S. APLs are not killing civilians. Like all weapons, APLs can be used rightly or wrongly. When used responsibly, as U.S. APLs are, they protect our forces, the forces of our allies, and civilians alike.

Landmine opponents, like the administration, state that the Ottawa Convention “shows our leadership” and that it is reducing the threat of landmines around the world. That is simply not true. Many IEDs, legally speaking, are APLs. From February 2015 to January 2016, the Pentagon's own Joint Improvised-Threat Defeat Agency recorded over 50,000 worldwide casualties as a result of IED attacks.

The Ottawa Convention isn't solving the landmine problem; it is simply disarming the good guys. In this environment, we need weapons that can protect camps, cities, roads, and bases

from insurgent attack. Today, one of those weapons is the APL.

Unless we have an alternative to APLs that is equal to or better than APLs at keeping our troops safe, we should not, and dare not, get rid of our stockpile of APLs. The safety of our sons and daughters in uniform is of the utmost importance.

Mr. Chairman, I want to thank Chairman THORNBERRY and his staff for working with my office on this important issue.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. HULTGREN). The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chair, I yield myself such time as I may consume.

I oppose this amendment because it restricts, the President restricts, the Department of Defense from taking actions that they feel are necessary in the best interest of the national security of our country by prohibiting their ability to get rid of the landmines that they wish to get rid of.

The problem with landmines and the reason there was such an international outcry is, after conflicts, they tend to be left in the areas of conflict; and throughout the world, many innocents have wound up being killed by these landmines that are left over. They are a weapon that can indiscriminately hit civilians.

I think the IED example is an excellent example of how pernicious these weapons are. They do attack, indiscriminately, civilians and military personnel alike.

What the President is attempting to do is to get us to the point we are in compliance with the treaty that was reached. It has not been confirmed by the Senate, that is true. But as Commander in Chief, the President has the authority to decide what weapons we should or should not have.

And it is important that they do maintain the exception of Korea, where we have the very specific threat from North Korea, to make sure that we preserve that option. Outside of that, the President and our commanders at the Department of Defense have determined that this option is not one that we need to provide for national security, and it is one that the international community has condemned.

We have had attempts—the Geneva Convention and others—at limiting the carnage given by warfare. One of the ways to limit that would be to limit the amount of landmines that are available. That is what the President is attempting to do. This amendment, I believe, would unfairly restrict him in his ability to do that. He has the ability, as Commander in Chief, to make those decisions in consultation with the DOD. This restricts him in a way that I do not support, and I urge this body to oppose the amendment.

I reserve the balance of my time.

Mr. KELLY of Pennsylvania. Mr. Chair, I respect the gentleman's opinion. I understand the President is the Commander in Chief, but I also understand that the APLs, the ones that we use, protect our forces, our friends, and our allies.

As far as the danger of them, we lead on landmine clearance, and we have lived up to all the international obligations we have accepted. The landmine ban treaty disarms us, not our enemies. Dismantling our APLs is not showing leadership. Instead, it would be the height of irresponsibility.

I know that sometimes in this House we get to the point where politics takes precedence over policy. If, at the end of the day, this House can't do everything possible to protect our daughters and sons in uniform and our allies and friends around the world—we are the most responsible user of APLs. We are doing more than anybody else to disarm IEDs.

The problem comes down to where does the United States stand. We need to stand, and we need to be resolute behind our Armed Forces. That is why I stand strong on this amendment.

Make sure the APLs stay in place.

I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I yield myself the balance of my time to close.

We are going to make the responsible decisions about what is best to protect our Armed Forces, and I believe the President will do that. This restricts him in one specific area that has not been shown—yes, we are the most responsible users of landmines, but that is not exactly a high bar to jump over. No matter how you use them, no matter where you use them—yes, we are trying to clear them, and I think that is great. But if we didn't put them out there in the first place, we wouldn't have to worry about, then, going in there and clearing them.

What has been determined by the Department of Defense and by the President is that there are other, better ways to protect our troops that do not unnecessarily endanger civilian populations. That is why the President is going down the path that he is going down. I think he is right to do it, and I think we should reject this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KELLY).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MRS. WALORSKI  
The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 114-569.

Mrs. WALORSKI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in title X, add the following:

**SEC. 10. REQUIREMENT FOR MEMORANDUM OF UNDERSTANDING REGARDING TRANSFER OF DETAINEES.**

Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period and inserting “; and” at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

“(5) the United States Government and the government of the foreign country have entered into a written memorandum of understanding regarding the transfer of the individual and such memorandum of understanding has previously been transmitted to the appropriate committees of Congress.”.

The Acting CHAIR. Pursuant to House Resolution 732, the gentlewoman from Indiana (Mrs. WALORSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. WALORSKI. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very common sense. It is as simple in its concept as it is in requirements. My amendment simply increases the transparency and accountability surrounding transfers from Guantanamo Bay by requiring the U.S. and the foreign government receiving the detainee to sign a written memo of understanding outlining the terms of the transfer and to provide copies of that memo to Congress. These transfers are too significant and the stakes are too high for a simple handshake or verbal agreement.

As Paul Lewis, the President's own Special Envoy for Guantanamo Detention Closure, recently confirmed, detainees that were released have returned to the battlefield and killed Americans. The administration, itself, estimates the recidivism rate of detainees at nearly one out of three.

In my 4 years on the Armed Services Committee, I have consistently been disappointed by the lack of transparency surrounding these transfers. In its plan for closure of the Guantanamo Bay detention facility that was released in February, the administration insisted it received security assurances and humane treatment assurances from countries receiving detainees. This includes travel restrictions, monitoring, and information sharing. However, in December last year, reports began surfacing that a detainee who was released to Sudan in July 2012 was now in Yemen operating as a senior leader of al Qaeda in the Arabian Peninsula, AQAP.

Setting aside the fact that a dangerous terrorist was transferred to Sudan in the first place, a state sponsor of terrorism, I requested a classified briefing to find out exactly what type of assurances the administration received from the Sudanese Government that they would keep an eye on this detainee and what punitive measures they took against the Sudanese

when it was discovered they let him out of their sight. Mr. Chairman, I came away from that briefing with more questions than answers.

That is why I am offering this amendment today. A written memo of understanding between the U.S. and the foreign country receiving the detainee will provide a greater degree of transparency and accountability than exists right now.

Mr. Chairman, one American casualty is too many. We must do more to ensure that every precaution is taken if and when individuals are transferred from GTMO. By providing this memo to the relevant oversight committees of this body, we take one more step toward real accountability for both the administration and for the foreign nation accepting these detainees.

I would like to thank the gentleman from Montana (Mr. ZINKE) for his co-sponsorship. I would also like to commend the Senator from Arkansas (Mr. COTTON) for his work in offering this same requirement in the Senate bill.

I include in the RECORD the letters I sent to the administration requesting information on the transfer of detainees, which are the basis for this amendment.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 15, 2015.  
President BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR PRESIDENT OBAMA: I write with grave concerns about statements you made regarding the detention facility at Guantánamo Bay, Cuba during a recent interview with Yahoo News. In particular, I was troubled by your comments on recidivism and on the process for selecting detainees for release.

In the interview, you said of released detainees re-entering the fight: "Out of four-, five-, six-hundred people that get released.. a handful of them are going to be embittered and still engaging in anti-US activities." However, the Director of National Intelligence identified 196 former detainees as either being confirmed or suspected of returning to the battlefield in its September 2015 Report on the Reengagement of Detainees Formerly Held at Guantánamo Bay, Cuba. That's a recidivism rate over 30 percent—this is hardly a handful.

At the heart of the issue, however, is not the rate of recidivism, but rather its intensity. One of the 196 is Ibrahim al-Qosi. He was released in July 2012 to his home country of Sudan, a country designated as a State Sponsor of Terrorism by the State Department. Since his release, he has become a senior leader of al Qaeda in the Arabian Peninsula (AQAP), which took credit for the attack on Charlie Hebdo in Paris in January 2015. A month later, Vincent Stewart, the Director of the Defense Intelligence Agency, testified before Congress that AQAP "remains committed to attacking the West." We may disagree over what constitutes a handful, but we cannot underestimate the difference another set of hands can mean to these terrorist organizations.

The fact that al-Qosi was released to live in a US government-designated State Sponsor of Terrorism is troubling enough, but comments you made in the interview concerning the release vetting process prompts more questions than it answers. On that topic, you said:

"The judgment that we're continually making is: are there individuals [in Guantánamo] who are significantly more dangerous than the people who are already out there who are fighting? What do they add? Do they have special skills? Do they have special knowledge that ends up making them a significant threat to the United States?"

Accordingly, I would like to request a classified briefing on how the administration has been evaluating the remaining detainees for release. Specifically, I would like the briefing to address:

1. What criteria, quantifiable or otherwise, are used to determine if a detainee is more or less dangerous than those currently on the battlefield

2. The groups or specific individuals currently on the battlefield that detainees are being compared to in order to make those determinations

a. If the Islamic State in Iraq and Syria (ISIS) or its leaders are part of this set, please also detail how the weight given to the threat they pose has changed since January 2014

3. Flow the special skills and knowledge are defined and quantified

4. Any additional scrutiny given to detainees being released to State Sponsors of Terror

It is disturbing that your administration seems to continue underestimating the danger posed by former Guantánamo detainees returning to the fight. One more terrorist on the battlefield is too many because one more terrorist can be all it takes to cause more death and destruction. I strongly urge you to reconsider such consistent downplaying of this threat and I look forward to your timely response.

Sincerely,

JACKIE WALORSKI,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 1, 2016.

President BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR PRESIDENT OBAMA: I am writing to follow up on a letter I sent on December 15, 2015 regarding your policy on the detention facility at Guantánamo Bay, Cuba and questions surrounding the problem of recidivism. I am extremely disappointed that, two-and-a-half months later, I have not received any response. I am also troubled by the lack of detail in your recent Plan for Closing the Guantánamo Bay Detention Facility released last week, which provided no clarity on the issues raised in the letter either.

Last week alone, Hamed Abderrahaman Ahmed, a former detainee that was transferred to Spain, was arrested on Tuesday, February 23 for recruiting fighters for the Islamic State in Iraq and Syria (ISIS). Two days later, Ibrahim al-Qosi, a former detainee that was transferred to Sudan, released a message on Thursday encouraging jihad in Somalia. He had also urged his followers to carry out attacks on New Years Eve celebrations, particularly in New York City and Paris. Recidivism is clearly a very real issue, but seems to be underestimated by your administration.

In my December 15 letter, I had specifically raised the case of Ibrahim al-Qosi who is now a senior leader of al Qaeda in the Arabian Peninsula (AQAP), which took credit for the attack on Charlie Hebdo in Paris in January 2015. He was also, curiously, transferred to a country that is designated as a State Sponsor of Terrorism by the U.S. State Department.

The recently-released Plan for Closing the Guantánamo Bay Detention Facility states

that the U.S. government obtains security assurances and humane treatment assurances from a country before transferring a detainee. Among the security assurances are restrictions on travel, monitoring of the detainee, and periodic information sharing. However, al-Qosi is currently operating out of Yemen. Obviously, there was a breakdown in these security assurances.

Thus, I want to reiterate my request for a classified briefing that covers the questions raised in my December 15 letter, which I am enclosing. I would also like the briefing to address these additional questions:

1. Security assurances your administration received from the government of Sudan before the transfer of Ibrahim al-Qosi

2. The frequency and type of monitoring agreed to by the government of Sudan on Ibrahim al-Qosi and measures taken by the U.S. government to verify that this monitoring was taking place

3. The frequency and type of information shared by the government of Sudan on Ibrahim al-Qosi, his whereabouts, and his activities after his transfer

4. The date that the government of Sudan informed the U.S. government that Ibrahim al-Qosi was no longer in Sudan

5. Any punitive measures taken against the government of Sudan or members of the government in connection with its failure to live up to its commitments regarding the transfer of Ibrahim al-Qosi

6. Humane treatment assurances your administration received from the government of Sudan, whose head of state, Omar al-Bashir, has an arrest warrant pending with the International Criminal Court for war crimes and crimes against humanity, before the transfer of Ibrahim al-Qosi

7. Questions 1, 2, 3, and 6 as they pertain to the two other detainees your administration transferred to Sudan: Noor Uthman Muhammed and Ibrahim Othman Ibrahim Idris

8. Questions 4 and 5 as they pertain to Noor Uthman Muhammed and Ibrahim Othman Ibrahim Idris if they are no longer in Sudan

9. Any extra security and humane treatment assurances your administration seeks from countries that are on the U.S. State Department's list of State Sponsors of Terrorism

10. Any ongoing negotiations with the governments of Iran and Sudan regarding future transfer of Guantánamo detainees

Transferring Guantánamo detainees—known terrorists—to countries that are State Sponsors of Terrorism is an incredibly dangerous and misguided policy. No reasonable person should trust these governments to follow through on any promises they make to ensure detainees do not rejoin the battle. I strongly urge you not to complete any future transfers to these countries and I look forward to your timely response to my request for a briefing.

Sincerely,

JACKIE WALORSKI,  
Member of Congress.

Mrs. WALORSKI. Mr. Chair, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chair, I yield myself such time as I may consume.

There are 80 detainees left at Guantánamo. A number have been transferred. Of those 80, I could be wrong, but I believe it is somewhere in the neighborhood of 34 of them have been cleared for transfer, basically deemed not to be

risks to the United States. Restricting their ability to be transferred simply drives up the cost of Guantanamo unnecessarily.

We have transferred a great many detainees out of Guantanamo. The statistics cited go all the way back to the Bush administration when, regrettably, we did let people go without proper vetting.

We, through this bill, in past years, have put a number of provisions in place that require national security certifications that the people being transferred are not a risk to the United States. That is already required. This simply makes it more difficult to do that for no good reason.

The recidivism in recent years has been drastically lower. It has been less than 10 percent, nowhere near the 33 percent figure cited. And the ones that are left to be transferred, like I said, are ones that have been determined not to be a risk.

Now, we take our time in transferring these people to make sure that we have a place to transfer them, that it is safe and secure, willing to accept them and all of that. There are already multiple provisions in law to try and make sure that we don't take any chances.

Unfortunately, when you release people, there are always risks; but detaining people forever without charge and after you have determined that they are not a risk is also a risk. Basically, it goes against the very values of the United States of America. We could just never release anyone from prison in the United States under these standards, under the fact that, well, they might commit another crime. And they might. So why don't we just lock them up forever?

We have a process, a very careful process, that has been worked out in a bipartisan fashion to determine who needs to be held and who can be released. Then, after we determine they can be released, even then, we go through a process of where they are released to and work with the host country and try to determine what the best and safest available alternative is. This piles on to the bureaucracy and makes it more difficult to do transfers that are in the best interest of the national security of our country.

I oppose the amendment for those reasons.

I reserve the balance of my time.

Mrs. WALORSKI. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. ZINKE), a cosponsor of this amendment.

Mr. ZINKE. Mr. Chair, well, how soon we forget why they are there. How soon we forget.

Why are they there? Go to New York and look at the names engraved on the ladder men, the commercial pilots, the innocent.

I did a lot to put them there. I don't remember reading Miranda rights or warrants. Yet some people want to bring them back to the United States under U.S. law where rules of evidence

and Miranda rights would apply. Yet that is ignored.

Now we are asking for tighter controls overseas because one-third go back to the battlefield. Is it a risk we should incur? The answer is no. Why? Because what is left is the bottom. These are the guys that are not hanging around evil. These are the guys that are evil. They are absolutely evil, and we have seen it.

So putting more controls, more restrictions to protect American lives is what we must do in Congress. This is not a Democratic or Republican issue. This is an American issue.

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Mr. SMITH of Washington. Mr. Chair, I yield myself the balance of my time.

I think that is the question: Why are they there? In the case of 26 of them, they are there because mistakes were made in picking them up. This happened with many people at Guantanamo, particularly in the early days, and these people have been there for a long time, where we basically weren't taking any chances on whom we picked up. We threw out a wide net and brought people in.

Now, there are estimated to be 44 of the folks there who are the baddest of the bad, who we have direct connections to active terrorism, who we know are a threat to the United States of America, and I am not proposing whatsoever that we should release those.

But the question of why are they there is absolutely right, and it is not for the reasons that the previous gentleman stated in the cases of at least 26 of these inmates. They are there through a combination of mistakes, misidentification, misinformation, many different reasons why they were picked up, and the problem is, now: How do we transfer them out? How do we find a home country to send them to?

I totally agree, if you are talking about incredibly dangerous people who have done what the previous speaker said, we have got to keep those people to protect America, but that is not the case with some of the inmates at Guantanamo. That is why we have been working to return these inmates to countries where they can be safely returned.

It is not everybody at Guantanamo who falls into that category. That is the reason I oppose this amendment.

Mr. Chair, I yield back the balance of my time.

Mrs. WALORSKI. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Indiana has 1¼ minutes remaining.

Mrs. WALORSKI. Mr. Chairman, I guess in answer to the questions that have been asked here, again, back to the fact that I think this is a very commonsense amendment, this is talking about transparency and accountability.

How did a detainee go from Sudan to Yemen? Because the rules are too loose.

Let's just bring accountability and transparency into this issue so the American people can see and so there is some accountability in this country on where these people end up.

These are the worst of the worst. They have American blood on their hands. The ones we are talking about from this point forward continue to have unbelievable issues, unbelievably dangerous criminal attached to their title. I am just simply asking for accountability and transparency.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mrs. WALORSKI).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, pursuant to House Resolution 732, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 22, 24, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, and 50 printed in part B of House Report No. 114-569, offered by Mr. THORNBERRY:

AMENDMENT NO. 22 OFFERED BY MR. TURNER OF OHIO

At the end of subtitle E of title XII, add the following:

**SEC. 12xx. SENSE OF CONGRESS ON JULY 2016 NATO SUMMIT IN WARSAW, POLAND.**

(a) FINDINGS.—Congress finds the following:

(1) The North Atlantic Treaty Organization (NATO) has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and around the world for over 65 years.

(2) NATO currently faces a range of evolving security challenges, including Russian aggression in Eastern Europe, and instability and conflict in the Middle East and North Africa. In the face of these varied challenges, NATO must deter threats and, if necessary, defend NATO member states against adversaries.

(3) Since NATO's 2014 summit in Wales, NATO member states have made progress in implementing a Readiness Action Plan to enhance allied readiness and collective defense in response to Russian aggression. However, much work remains to be done.

(4) NATO's solidarity is strengthened by the bolstering of NATO's conventional and nuclear deterrence, increased defense spending by NATO member states, and continued enlargement of the Alliance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) at the July 2016 NATO Summit in Warsaw, Poland and beyond, the United States should—

(A) welcome Montenegro's accession to NATO;

(B) continue to work with aspirant countries to prepare them for entry into NATO;

(C) continue supporting a Membership Action Plan (MAP) for Georgia;

(D) encourage the leaders of Macedonia and Greece to find a mutually agreeable solution to the name dispute between the two countries;

(E) seek a Dayton II agreement to resolve the constitutional issues of Bosnia and Herzegovina;



(F) work with the Republic of Kosovo to prepare the country for entrance into the Partnership for Peace (PIP) program;

(G) take a leading role in working with NATO member states to identify, through consensus, the current and future security threats facing the Alliance; and

(H) take a leading role to work with other NATO member states to ensure the alliance maintains the required capabilities, including the gains in interoperability from combat in Afghanistan, necessary to meet the security threats to the Alliance;

(2) in Warsaw, NATO member states should build upon the progress made since the 2014 Wales Summit, by committing additional resources to NATO's Readiness Action Plan and related measures to enhance allied readiness and deterrence;

(3) NATO member states should review defense spending to ensure sufficient funding is obligated to meet NATO responsibilities, including to allocate at least 2 percent of Gross Domestic Product (GDP) to defense spending, and to devote at least 20 percent of defense spending to defense modernization and new equipment;

(4) the United States should commit to maintaining a robust military presence in Europe as a means of promoting allied interoperability, providing visible assurance to NATO allies, and deterring Russian aggression in the region; and

(5) the United States reaffirms and remains committed to the policies enumerated by NATO member states in the Deterrence and Defense Posture Review, dated May 20, 2012, and the Wales Summit Declaration of September 2014, including the following statement: "Deterrence, based on an appropriate mix of nuclear, conventional, and missile defence capabilities, remains a core element of our overall strategy."

AMENDMENT NO. 24 OFFERED BY MR. HANNA OF NEW YORK

In the table of contents for bill, insert after the item pertaining to section 1867 the following:

Sec. 1868. Role of small business development centers in cyber security and preparedness.

Sec. 1869. Additional cyber security assistance for small business development centers.

Sec. 1870. Cybersecurity outreach for small business development centers.

Sec. 1871. GAO study on small business cyber support services and small business development center cyber strategy.

Sec. 1872. Prohibition on additional funds.

Page 832, insert after line 5 the following:  
**SEC. 1868. ROLE OF SMALL BUSINESS DEVELOPMENT CENTERS IN CYBER SECURITY AND PREPAREDNESS.**

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking "and providing access to business analysts who can refer small business concerns to available experts;" and inserting "providing access to business analysts who can refer small business concerns to available experts; and, to the extent practicable, providing assistance in furtherance of the Small Business Development Center Cyber Strategy developed under section 1871(b) of the National Defense Authorization Act for Fiscal Year 2017"; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by striking the period and inserting "; and"; and

(iii) by adding at the end of the following: "(G) access to cyber security specialists to counsel, assist, and inform small business

concern clients, in furtherance of the Small Business Development Center Cyber Strategy developed under section ."

**SEC. 1869. ADDITIONAL CYBER SECURITY ASSISTANCE FOR SMALL BUSINESS DEVELOPMENT CENTERS.**

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

"(8) CYBER SECURITY ASSISTANCE.—The Department of Homeland Security, and any other Federal department or agency in coordination with the Department of Homeland Security, may provide assistance to small business development centers, through the dissemination of cybersecurity risk information and other homeland security information, to help small business concerns in developing or enhancing cyber security infrastructure, cyber threat awareness, and cyber training programs for employees."

**SEC. 1870. CYBERSECURITY OUTREACH FOR SMALL BUSINESS DEVELOPMENT CENTERS.**

Section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) is amended—

(1) by redesignating subsection (1) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(1) CYBERSECURITY OUTREACH.—

"(1) IN GENERAL.—The Secretary may provide assistance to small business development centers, through the dissemination of cybersecurity risk information and other homeland security information, to help small business concerns in developing or enhancing cyber security infrastructure, cyber threat awareness, and cyber training programs for employees.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'small business concern' and 'small business development center' have the meaning given such terms, respectively, under section 3 of the Small Business Act."

**SEC. 1871. GAO STUDY ON SMALL BUSINESS CYBER SUPPORT SERVICES AND SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.**

(a) REVIEW OF CURRENT CYBER SECURITY RESOURCES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of current cyber security resources at the Federal level aimed at assisting small business concerns with developing or enhancing cyber security infrastructure, cyber threat awareness, or cyber training programs for employees.

(2) CONTENT.—The review required under paragraph (1) shall include the following:

(A) An accounting and description of all Federal Government programs, projects, and activities that currently provide assistance to small business concerns in developing or enhancing cyber security infrastructure, cyber threat awareness, or cyber training programs for employees.

(B) An assessment of how widely utilized the resources described under subparagraph (A) are by small business concerns and a review of whether or not such resources are duplicative of other programs and structured in a manner that makes them accessible to and supportive of small business concerns.

(3) REPORT.—The Comptroller General shall issue a report to the Congress, the Small Business Administrator, the Secretary of Homeland Security, and any association recognized under section 21(a)(3)(A) of the Small Business Act containing all findings and determinations made in carrying out the review required under paragraph (1).

(b) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the issuance of the report under sub-

section (a)(3), the Small Business Administrator and the Secretary of Homeland Security shall work collaboratively to develop a Small Business Development Center Cyber Strategy.

(2) CONSULTATION.—In developing the strategy under this subsection, the Small Business Administrator and the Secretary of Homeland Security shall consult with entities representing the concerns of small business development centers, including any association recognized under section 21(a)(3)(A) of the Small Business Act.

(3) CONTENT.—The strategy required under paragraph (1) shall include, at minimum, the following:

(A) Plans for incorporating small business development centers (hereinafter in this section referred to as "SBDCs") into existing cyber programs to enhance services and streamline cyber assistance to small business concerns.

(B) To the extent practicable, methods for the provision of counsel and assistance to improve a small business concern's cyber security infrastructure, cyber threat awareness, and cyber training programs for employees, including—

(i) working to ensure individuals are aware of best practices in the areas of cyber security, cyber threat awareness, and cyber training;

(ii) working with individuals to develop cost-effective plans for implementing best practices in these areas;

(iii) entering into agreements, where practical, with Information Sharing and Analysis Centers or similar cyber information sharing entities to gain an awareness of actionable threat information that may be beneficial to small business concerns; and

(iv) providing referrals to area specialists when necessary.

(C) An analysis of—

(i) how Federal Government programs, projects, and activities identified by the Comptroller General in the report issued under subsection (a)(1) can be leveraged by SBDCs to improve access to high-quality cyber support for small business concerns;

(ii) additional resources SBDCs may need to effectively carry out their role; and

(iii) how SBDCs can leverage existing partnerships and develop new ones with Federal, State, and local government entities as well as private entities to improve the quality of cyber support services to small business concerns.

(4) DELIVERY OF STRATEGY.—Not later than 180 days after the issuance of the report under subsection (a)(3), the Small Business Development Center Cyber Strategy shall be issued to the Committees on Homeland Security and Small Business of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Small Business and Entrepreneurship of the Senate.

**SEC. 1872. PROHIBITION ON ADDITIONAL FUNDS.**

No additional funds are authorized to be appropriated to carry out sections 1868 through 1871 or the amendments made by such sections.

AMENDMENT NO. 39 OFFERED BY MR. BERA OF CALIFORNIA

At the end of subtitle H of title V, add the following new section:

**SEC. \_\_\_\_ . REPORT ON AVAILABILITY OF COLLEGE CREDIT FOR SKILLS ACQUIRED DURING MILITARY SERVICE.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, shall submit to Congress a report on the transfer of skills into equivalent college credits or technical certifications for members of the Armed Forces

leaving the military. Such report shall describe each the following:

(1) Each skill that may be acquired during military service that is eligible for transfer into an equivalent college credit or technical certification.

(2) The academic level of the equivalent college credit or technical certification for which each such skill is eligible.

(3) Each academic institution that awards an equivalent college credit or technical certification for such skills, including—

(A) whether each such academic institution is public or private and whether such institution is for profit; and

(B) the number of veterans that applied to such academic institutions who were able to receive equivalent college credits or technical certifications in the last fiscal year, and the academic level of the credits or certifications.

(4) The number of members of the Armed Forces who left the military in the last fiscal year and the number of those individuals who met with an academic or technical training advisor as part of their participation in the Transition Assistance Program.

AMENDMENT NO. 40 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

Page 173, after line 2, add the following new section:

**SEC. 599A. ATOMIC VETERANS SERVICE MEDAL.**

(a) **SERVICE MEDAL REQUIRED.**—The Secretary of Defense shall design and produce a military service medal, to be known as the “Atomic Veterans Service Medal”, to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) **DISTRIBUTION OF MEDAL.**—

(1) **ISSUANCE TO RETIRED AND FORMER MEMBERS.**—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.

(2) **ISSUANCE TO NEXT-OF-KIN.**—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) **APPLICATION.**—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

AMENDMENT NO. 41 OFFERED BY MR. GRAYSON OF FLORIDA

Page 243, strike lines 14 and 15 and insert the following:

“chapter—

“(A) in a more effective, efficient, or economical manner; and

“(B) at a level of quality at least comparable to the quality of services beneficiaries would receive from a military medical treatment facility; or”

AMENDMENT NO. 42 OFFERED BY MR. CARTER OF TEXAS

At the end of subtitle C of title VII, add the following new section:

**SEC. 7. USE OF MEFLOQUINE FOR MALARIA.**

(a) **MEFLOQUINE.**—In providing health care to members of the Armed Forces, the Secretary of Defense shall require—

(1) that the use of mefloquine for the prophylaxis of malaria be limited to members with intolerance or contraindications to other chemoprophylaxis;

(2) that mefloquine be prescribed by a licensed medical provider on an individual basis, and

(3) that members prescribed mefloquine for malaria prophylaxis be counseled by the medical provider about the potential side effects of the drug and be provided the Food

and Drug Administration-required patient information handouts.

(b) **PROCESS AND REVIEW.**—

(1) **PROCESS.**—Not later than 180 days after the date of the enactment of this Act, in providing health care to members of the Armed Forces, the Secretary shall develop a standardized process to document the screening for contraindications and patient education, including a prior authorization form, to be used by all medical providers prescribing mefloquine for malaria prophylaxis.

(2) **ANNUAL REVIEW.**—The Secretary shall conduct an annual review of each mefloquine prescription at all military medical treatment facilities to evaluate the documentation of the assessment for contraindications, justification for not using other chemoprophylaxis, and patient education for the safe use of mefloquine and its side effects.

(c) **ADVERSE HEALTH EFFECTS OF MEFLOQUINE.**—The Secretary of Defense shall expand the missions of the Hearing Center of Excellence, the Vision Center of Excellence, the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (including the Deployment Health Clinical Center), and the Center for Deployment Health Research to include, as appropriate, improving the clinical evaluation, diagnosis, management, and epidemiological study of adverse health effects among members of the Armed Forces following exposure to mefloquine.

AMENDMENT NO. 43 OFFERED BY MR. WILSON OF SOUTH CAROLINA

Section 825 is amended by inserting at the end of subsection (f) (page 304, after line 12) the following:

(3) **TERMINATION OF REPORT REQUIREMENT.**—The requirement to submit a report under this subsection shall terminate on the date occurring five years after the date of the enactment of this Act.

AMENDMENT NO. 44 OFFERED BY MR. WILSON OF SOUTH CAROLINA

At the end of title VIII, add the following new section:

**SEC. 843. REVISION OF EFFECTIVE DATE FOR AMENDMENTS RELATING TO UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.**

Section 901(a)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3462; 10 U.S.C. 132a note) is amended by striking “February 1, 2017” and inserting “February 1, 2018”.

AMENDMENT NO. 45 OFFERED BY MR. BEYER OF VIRGINIA

At the end of title VIII, add the following new section:

**SEC. 843. PROMOTION OF VALUE-BASED DEFENSE PROCUREMENT.**

(a) **STATEMENT OF POLICY.**—It shall be the policy of the Department of Defense to avoid using lowest price technically acceptable source selection criteria in inappropriate circumstances that potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) **REQUIREMENT FOR SOLICITATIONS.**—For new solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, lowest price technically acceptable source selection criteria shall be used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in term of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department would realize no, or minimal, value from a contract proposal ex-

ceeding the minimum technical or performance requirements set forth in the request for proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) a review of technical proposals of offerors other than the lowest bidder would result in no, or minimal, benefit to the Department; and

(5) the contracting officer has included a justification for the use of a lowest price technically acceptable evaluation methodology in the contract file, if the contract to be awarded is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(c) **AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN PROCUREMENTS OF INFORMATION TECHNOLOGY AND AUDITING.**—To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided when the procurement is predominately for the acquisition of information technology services, systems engineering and technical assistance services, audit or audit readiness services, or other knowledge-based professional services.

(d) **REPORTING.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees a report on the number of instances in which lowest-price technically acceptable source selection criteria is used, including an explanation of how the criteria was considered when making a determination to use lowest price technically acceptable source selection criteria.

AMENDMENT NO. 46 OFFERED BY MR. BURGESS OF TEXAS

At the end of subtitle A of title X (page 370, after line 17), insert the following new section:

**SEC. 1003. REPORT ON AUDITABLE FINANCIAL STATEMENTS.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

AMENDMENT NO. 47 OFFERED BY MR. TURNER OF OHIO

Add at the end of subtitle F of title X the following new section:

**SEC. 10. BRIEFING ON CRITERIA FOR DETERMINING LOCATIONS OF AIR FORCE INSTALLATION AND MISSION SUPPORT CENTER HEADQUARTERS.**

(a) **BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide a briefing to the Committee on Armed Services of the House of Representatives on the Department of the Air Force's process and reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria for the Air Force Installation and Mission Support Center headquarters strategic basing process.

(b) **CONTENTS OF BRIEFING.**—The briefing under subsection (a) will specifically address the rationale behind the distance categories used to allocate points under this mission criteria referred to in subsection (a), and shall provide references to any existing government guidance that supports use of these distance categories. In addition, the briefing

shall include an analysis regarding the reasons why the Department did not consider commuting times as a more equitable way of determining proximity to commercial hub airports that would account for the impact of different traffic conditions across the candidate locations.

AMENDMENT NO. 49 OFFERED BY MS. FRANKEL OF FLORIDA

Page 462, after line 13, insert the following new section:

**SEC. 1098. SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE.**

(a) FINDINGS.—Congress finds the following:

(1) There are at least 3,600,000 veterans currently living with service-connected disabilities.

(2) As a result of their service, many veterans are permanently disabled throughout their lives and in many cases must rely on the support of their families and friends when these visible and invisible burdens become too much to bear alone.

(3) October 5, which is the anniversary of the dedication of the American Veterans Disabled for Life Memorial, has been recognized as an appropriate day on which to honor American veterans disabled for life each year.

(b) SENSE OF CONGRESS.—Congress—

(1) expresses its appreciation to the men and women left permanently wounded, ill, or injured as a result of their service in the Armed Forces;

(2) supports the annual recognition of American veterans disabled for life each year; and

(3) encourages the American people to honor American veterans disabled for life each year with appropriate programs and activities.

AMENDMENT NO. 50 OFFERED BY MR. BEYER OF VIRGINIA

Page 462, after line 13, insert the following:

**SEC. 1098. STUDY ON MILITARY HELICOPTER NOISE.**

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, shall—

(1) conduct a study on the effects of military helicopter noise on National Capital Region communities and individuals; and

(2) develop recommendations for the reduction of the effects of military helicopter noise on individuals, structures, and property values in the National Capital Region.

(b) FOCUS.—In conducting the study under subsection (a), the Secretary and the Administrator shall focus on air traffic control, airspace design, airspace management, and types of aircraft, to address helicopter noise problems and shall take into account the needs of law enforcement, emergency, and military operations.

(c) CONSIDERATION OF VIEWS.—In conducting the study under subsection (a), the Secretary shall consider the views of representatives of—

(1) members of the Armed Forces;

(2) law enforcement agencies;

(3) community stakeholders, including residents and local government officials; and

(4) organizations with an interest in reducing military helicopter noise.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) AVAILABILITY TO THE PUBLIC.—The Secretary shall make the report required under paragraph (1) publicly available.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman

from Texas (Mr. THORNBERRY) and the gentleman from Texas (Mr. O'ROURKE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, each of these amendments in this en bloc package has been worked on both sides of the aisle. I believe this package deserves Members' support.

I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Mr. Chair, I would like to thank the chairman from Texas for adding my amendment to this en bloc.

Mr. Chairman, my amendment today would require the Defense Department and FAA to study the impact of military helicopter noise in the national capital region and to develop recommendations to reduce the effect of noise on people and property.

The airspace around Washington, D.C., is more restricted and more highly congested than in any other part of the country. On average, 144 helicopter operations take place here every day, 75 percent of which are military, encompassing all types of military aircraft. One recent addition to our airspace is the V-22 Osprey, a hybrid helicopter and airplane with the width of an 8-story building. It has been deployed to war zones in Iraq and Afghanistan, rescue missions in Haiti and the San Juan Mountains, and now the peaceful communities of northern Virginia.

As most of my colleagues probably know, the Osprey can transition from a turboprop plane to a conventional helicopter, all while hovering at a low altitude. This noisy transition takes place directly over the Fairlington neighborhood in my district in Arlington, Virginia.

Mr. Chairman, the communities in my district are realistic about the noise helicopters generate and are sensitive to the operational needs of the military, but the routes and altitude caps dictated by the FAA follow best practices for public and private aircraft, not military aircraft designed for a conflict zone.

A total quieting of the skies in northern Virginia is not possible or even practical; but given the military's insistence on using such heavy, loud aircraft, it is only right that they work with the FAA to reexamine the existing route structure and offer some possible solutions.

I urge my fellow Members to support this amendment en bloc.

Mr. THORNBERRY. Mr. Chairman, I would inform the gentleman that I have no speakers on this amendment at this point, so I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chairman, I have no speakers at this time.

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the chairman for his graciousness.

Mr. Chair, I rise in favor of the McGovern-Pompeo amendment, which is part of this en bloc, to create a medal honoring the service of atomic veterans or their surviving family members.

Between 1945 and 1962, over 200,000 servicemembers conducted hundreds of nuclear weapons tests and were exposed to dangerous levels of radiation. Sworn to secrecy, they couldn't even tell their doctors.

Presidents Bill Clinton and George H. W. Bush recognized their service by providing specialized care and compensation, but this isn't enough.

Joe Mondello, a constituent of mine from Shrewsbury, Massachusetts, and other atomic veterans helped bring this issue to my attention. It is long past time to honor their service.

Last year, with the help of the chairman, in the DOD authorization bill we included this amendment, but then the Department of Defense insisted the Senate remove it. Their explanation? We don't have a medal and don't want to create one. Congress should find another way to honor these veterans. That is no excuse. In fact, that is insensitive, it is dismissive, and it is ungrateful. We should be appalled.

Tragically, many of these atomic veterans have already died without receiving recognition. They kept a code of silence that likely led to many of them passing away too soon. We must right this wrong. Support this amendment. I urge the Senate to do the same thing.

Mr. THORNBERRY. Mr. Chairman, I have no further speakers.

I urge adoption of the en bloc package.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORNBERRY).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, pursuant to House Resolution 732, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4 consisting of amendment Nos. 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 61 printed in part B of House Report No. 114-569, offered by Mr. THORNBERRY:

AMENDMENT NO. 48 OFFERED BY MR. ZELDIN OF NEW YORK

Page 423, after line 3, insert the following:  
**SEC. 1070. REPORT ON TESTING AND INTEGRATION OF MINEHUNTING SONAR SYSTEMS TO IMPROVE LITTORAL COMBAT SHIP MINEHUNTING CAPABILITIES.**

(a) REPORT TO CONGRESS.—Not later than April 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that contains the findings of an assessment of all operational minehunting Synthetic Aperture Sonar (hereinafter referred to as "SAS") technologies suitable to

meet the requirements for use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(b) **ELEMENTS.**—The report required by subsection (a) shall include—

(1) an explanation of the future acquisition strategy for the minehunting mission package;

(2) specific details regarding the capabilities of all in-production SAS systems available for integration into the Littoral Combat Ship Mine Countermeasures Mission Package;

(3) an assessment of key performance parameters for the Littoral Combat Ship Mine Countermeasures Mission Package with each of the assessed SAS technologies; and

(4) a review of the Department of the Navy's efforts to evaluate SAS technologies in operation with allied Navies for future use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(c) **SYSTEM TESTING.**—The Secretary of the Navy is encouraged to perform at-sea testing and experimentation of sonar systems in order to provide data in support of the assessment required by subsection (a).

AMENDMENT NO. 51 OFFERED BY MR. TROTT OF MICHIGAN

At the end of subtitle C of title XII, add the following:

**SEC. 12xx. UNITED NATIONS PROCESSING CENTER IN ERBIL, IRAQI KURDISTAN, TO ASSIST INTERNATIONALLY-DISPLACED COMMUNITIES.**

The President shall instruct the United States Permanent Representative to the United Nations to use the voice and vote of the United States at the United Nations to seek the establishment of a United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities.

AMENDMENT NO. 52 OFFERED BY MR. VELA OF TEXAS

At the end of subtitle E of title XII, add the following:

**SEC. 12xx. REPORT ON VIOLENCE AND CARTEL ACTIVITY IN MEXICO.**

The Secretary of Defense shall submit to the congressional defense committees a report on violence and cartel activity in Mexico and the impact of such on United States national security.

AMENDMENT NO. 53 OFFERED BY MR. THORNBERRY OF TEXAS

At the end of subtitle E of title XII, add the following:

**SEC. 12xx. UNITED STATES POLICY ON TAIWAN.**

(a) **FINDINGS.**—Congress finds the following:

(1) For more than 50 years, the United States and Taiwan have had a unique and close relationship, which has supported the economic, cultural, and strategic advantage to both countries.

(2) The United States has vital security and strategic interests in the Taiwan Strait.

(3) The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979.

(4) The Taiwan Relations Act states that it is the policy of the United States to provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to defend against any forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(b) **STATEMENT OF POLICY.**—The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) forms the cornerstone of United States policy and relations with Taiwan.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than February 15, 2017, the Secretary of Defense and the

Secretary of State shall jointly submit to the appropriate committees of Congress a report that contains a description of the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.).

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional defense committees; and

(B) Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

AMENDMENT NO. 54 OFFERED BY MR. NOLAN OF MINNESOTA

At the end of section 1504, page 599, line 3, add the following new subsection:

(c) **CONDITION ON USE OF FUNDS FOR SYRIA TRAIN AND EQUIP PROGRAMS.**—Amounts authorized to be appropriated by this section for the Syria Train and Equip programs, as specified in the funding table in section 4302, may not be provided to any recipient that the Secretary of Defense has reported, pursuant to a quarterly progress report submitted pursuant to section 1209 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541), as having misused provided training and equipment.

AMENDMENT NO. 55 OFFERED BY MR. AGUILAR OF CALIFORNIA

At the end of subtitle C of title XVI, add the following new section:

**SEC. 16 . PILOT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.**

(a) **AUTHORITY.**—The Secretary of the Army and the Secretary of the Air Force shall each carry out a pilot program to improve the ability of the Army and the Air Force, respectively, to recruit cyber professionals.

(b) **ELEMENTS.**—Under the pilot program, the Secretaries shall each allow individuals who meet educational, physical, and other requirements determined appropriate by the Secretary to receive original appointments as commissioned officers in a cyber specialty.

(c) **CONSULTATION.**—In developing the pilot program, the Secretaries may consult with the Secretary of the Navy with respect to a similar program carried out by the Secretary of the Navy.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that Congress supports the direct commission of individuals trained in cyber specialties because the demand for skilled cyber personnel outstrips the supply of such personnel, and there is great competition for such personnel with private industry.

AMENDMENT NO. 56 OFFERED BY MR. DOLD OF ILLINOIS

In the table in section 2207(b) of division B (relating to the Extension of 2014 Project Authorizations for the Navy), insert after the projects relating to Hawaii a new item as follows:

Illinois .....	Great Lakes.	Unaccompanied Housing	\$35,851,000
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AMENDMENT NO. 57 OFFERED BY MS. JUDY CHU OF CALIFORNIA

Page 798, line 22, strike “and”.  
Page 799, strike the period and insert “; and”.

Page 799, insert after line 2 the following:  
(VI) the population density of the area to be served by the women's business center.

AMENDMENT NO. 58 OFFERED BY MR. PERLMUTTER OF COLORADO

Add at the end of subtitle D of title XXVIII the following:

**SEC. 28 . MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE.**

Section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402; 16 U.S.C. 668dd note) is amended by adding at the end the following new subparagraph:

“(C)(i) Notwithstanding clause (i) of subparagraph (A), the restriction attached to any deed to any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if it is determined, through a risk assessment performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), that the property is protective for the proposed use.

“(ii) The Secretary of the Army shall not be responsible or liable for any of the following:

“(I) The cost of any risk assessment described in clause (i) or any actions taken in response to such risk assessment.

“(II) Any damages attributable to the use of property for residential or industrial purposes as the result of the modification or removal of a deed restriction pursuant to clause (i), or the costs of any actions taken in response to such damages.”.

AMENDMENT NO. 59 OFFERED BY MR. POMPEO OF KANSAS

Page 384, after line 15, insert the following:  
**SEC. 1038. DECLASSIFICATION OF INFORMATION ON PAST TERRORIST ACTIVITIES OF DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay; and

(2) make available to the public any information declassified as a result of the declassification review; and

(3) submit to the appropriate congressional committees, consistent with the protection of sources and methods, a report setting forth—

(A) the results of the declassification review; and

(B) if any information covered by the declassification review was not declassified pursuant to the review, a justification for the determination not to declassify such information.

(b) **PAST TERRORIST ACTIVITIES.**—For purposes of this section, the past terrorist activities of an individual shall include the terrorist activities conducted by the individual before the transfer of the individual to the detention facility at United States Naval Station, Guantanamo Bay, including, at a minimum, the following:

(1) The terrorist organization, if any, with which affiliated.

(2) The terrorist training, if any, received.

(3) The role in past terrorist attacks against the interests or allies of the United States.

(4) The direct responsibility, if any, for the death of citizens of the United States or members of the Armed Forces.

(5) Any admission of any matter specified in paragraphs (1) through (4).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;
- (2) the Committee on Foreign Affairs of the House of Representatives;
- (3) the Committee on Foreign Relations of the Senate;
- (4) the Permanent Committee on Intelligence of the House of Representatives; and
- (5) the Select Committee on Intelligence of the Senate.

AMENDMENT NO. 61 OFFERED BY MS. MCSALLY  
OF ARIZONA

Page 384, after line 15, insert the following:  
**SEC. 1038. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER GENDER.**

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the gender of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC.—In the case of an order, ruling, finding, or other determination described in subsection (a) that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of the enactment of this Act, such order, ruling, finding, or determination shall be deemed to be vacated and null and void only to the extent of any prohibition or restriction on the duties of members of the Armed Forces that is based on the gender of members.

(c) MILITARY COMMISSION DEFINED.—In this section, the term “military commission” means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Texas (Mr. O’ROURKE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, this additional en bloc package No. 4 consists of a number of amendments that have been worked with both sides of the aisle. I believe that this en bloc package deserves the support of all Members.

I reserve the balance of my time.

Mr. O’ROURKE. Mr. Chairman, at this time I do not have a speaker, so I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there are a number of subjects that are covered in this en bloc package, and I think it exemplifies the work that goes into creating this defense authorization bill.

If you look at the size of the bill, it is very large. As a matter of fact, it is over 1,200 pages when you look at the legislation. Of course, one of the reasons this bill is so large this year is that it includes five major packages of reforms, including: acquisition reform, healthcare reform, commissary reform, organizational reform, and Uniform Code of Military Justice reform.

All of these things have been worked with Members on both sides of the aisle. I understand that not all Members may agree with every provision. I

certainly don’t. But the point is this bill supports the men and women who risk their lives to serve our country, so that is the time when all of us should put aside whatever differences we have with this provision or that or this approach or that and come together on what has been for 54 years, and continues to be this year, a bipartisan product.

For all of the amendments that are included in this en bloc package, I believe they deserve the support of the House. I hope they will be adopted.

I reserve the balance of my time.

Mr. O’ROURKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Chairman, the Small Business Administration’s, or SBA’s, Women’s Business Centers, the WBCs, fill a critical gap in our economy.

Despite being more than 50 percent of the population, women own just 30 percent of all businesses, and the same obstacles that keep some from starting a business keep others from growing theirs.

By providing specialized resources, Women’s Business Centers are designed to make sure women-owned businesses succeed. That is why it is imperative that female entrepreneurs are able to access these resources in a convenient way.

The reality is that in large, densely populated areas, the need for these centers is greater due to the higher concentration of women entrepreneurs. In fact, Los Angeles County was home to more women-owned businesses than any other county in the entire country in 2012, yet some women had to wait weeks or months or were forced to travel long distances in order to visit a WBC because the center closest to them was unable to meet the demand.

My amendment would address this reality by ensuring that the SBA considers the population density of the area to be serviced when reviewing and selecting eligible organizations for the Women’s Business Center grants. We must continue to work to ensure that these centers are convenient and accessible for all women because, when women succeed, America succeeds.

I urge my colleagues to support this amendment.

Mr. THORNBERRY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, among the amendments in this en bloc package is one by Mr. NOLAN of Minnesota that prohibits funding for the Syria Train and Equip programs to recipients that the Secretary of Defense has reported as having misused that training or equipment.

This amendment comes from a Democratic Member, but I think it is very important for all of us to do what we can to ensure that training and weapons provided to forces we are assisting in Syria not be misused, that they not get in the hands of terrorists. Just to take that one example, where I

believe a good amendment has been accepted by both sides of the aisle, that helps ensure that the goals we all share—in this case, for the Syria Train and Equip program—are met. That is an example of the bipartisan nature of this bill.

Similarly, there is an amendment here by Mr. AGUILAR of California creating a pilot program to improve the ability to recruit cyber professionals, a new domain of warfare, an enormous challenge for the government to compete with Silicon Valley, the Austin-San Antonio corridor, and other places that are recruiting cyber professionals, but a good and valued step. Those are examples of the amendments in this en bloc package.

Mr. Chairman, I reserve the balance of my time.

Mr. O’ROURKE. Mr. Chair, I have no other speakers on this amendment.

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. THORNBERRY).

The en bloc amendments were agreed to.

□ 1815

AMENDMENT NO. 25 OFFERED BY MR. LARSEN OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part B of House Report 114-569.

Mr. LARSEN of WASHINGTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 995, line 2, strike “to be new and emergency in nature” and insert “will significantly reduce the nuclear threat”.

Page 995, line 9, insert “and” after the semicolon.

Page 995, strike lines 13 through 17.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Washington (Mr. LARSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, this amendment aims to remedy a provision in the base text that could unnecessarily hamstring the vital work of preventing terrorists from obtaining nuclear material.

Section 3115 of the NDAA prohibits collaboration with Russia on atomic energy defense activities, but provides the Secretary of Energy with waiver authority.

However, the Secretary of Energy can only exercise the waiver if there is a new emergency and if we completely eliminate the backlog of physical security maintenance work at DOE defense nuclear sites in the U.S.

I stand with my colleagues in opposition to Russian aggression in Crimea,

Ukraine, Syria, and threatening activity in the Baltics and elsewhere.

However, I believe that the terms of this waiver are wrong and would be, frankly, impossible to execute. If we give the Secretary of Energy a waiver, it should be achievable.

That is why my amendment improves the standard to a simple one: the Secretary must certify that this cooperation will significantly reduce the nuclear threat.

It is no secret that nuclear material in Russia is vulnerable to theft and smuggling. According to Harvard University's Managing the Atom project, Russian nuclear material is at risk from both insiders and outsiders. Nuclear material stolen in Russia does not have to remain in Russia and, therefore, could be a threat to the homeland.

Currently, we do not do any nuclear threat reduction work with Russia. If the opportunity presented itself and it was in the interest of national security, why not at least have that option?

So I encourage Members to support my amendment so our government can protect Americans from nuclear terrorism, regardless of where that material originates.

Mr. Chairman, I urge people to support this amendment.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the points raised by the distinguished gentleman from Washington (Mr. LARSEN).

As a matter of fact, I remember very well that one of my early speeches on the floor of the House was on a motion to recommit—supporting a Democratic motion, actually—regarding our efforts to help the Russians get control of their nuclear material. That certainly has been an important priority.

It is also true that, since I was in the well in the mid-1990s on that, things have changed. What we see is Russia spending an incredible amount of money modernizing a variety of weapons systems, including their nuclear weapons. It includes submarines and bombers and a whole variety of things, but it includes new nuclear weapons.

Yet, on the other hand, we have enormous backlogs of deferred maintenance, we call it, in our nuclear infrastructure, in our nuclear weapons complex.

Deferred maintenance is a euphemism, Mr. Chairman, because even in my own district we have folks working in deplorable conditions. We are talking about engineers and others working in conditions that no one should have to work in because we have neglected our infrastructure throughout the nuclear complex.

So I think the purpose of the underlying provision is that we shouldn't

spend money doing what Russia has the money to do for itself, especially when our own nuclear infrastructure is in such disrepair.

Now, there is a waiver provision. If there is something crucial, then, obviously, another arrangement can be made. But the basic premise is Russia has changed. They are behaving not only more aggressively, but modernizing their military. Meanwhile, we have neglected ours. It is time for us to catch up.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I agree with the distinguished gentleman from Texas that Russia has changed. The threat of loose nuclear material has not changed. Nuclear material in Russia is far more vulnerable than in the United States, and stolen nuclear material anywhere is a threat to Americans.

Now, on a bipartisan basis, this committee has increased funding for domestic physical security improvements. However, at current funding levels, that backlog will exist for years.

If Congress is going to establish a waiver process, it should be an achievable one. Right now we do not do any of this work in Russia, but we have the opportunity to reduce the nuclear threat, and we should keep that option available. I would ask this body to support my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, again, I appreciate the importance that the gentleman places on securing nuclear material. I share his view. I still am very concerned, for example, that terrorists will obtain—and we know they would use—nuclear material if they have the opportunity.

The concern here is that we are doing things for Russians with American taxpayer dollars so they need not do it for themselves. In fact, what they do for themselves is build more capability that threatens us. We can't continue down that road.

I oppose the amendment, and I urge Members to do likewise.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. LARSEN).

The amendment was rejected.

AMENDMENT NO. 26 OFFERED BY MR. ROGERS OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in part B of House Report 114-569.

Mr. ROGERS of Alabama. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XXXI, add the following new section:

**SEC. 31. LIMITATION ON AVAILABILITY OF FUNDS FOR THE DEPARTMENT OF ENERGY.**

(a) LIMITATION.—Of the funds authorized to be appropriated or otherwise made available

for fiscal year 2017 for the Department of Energy for the Office of the Secretary of Energy, not more than 50 percent may be obligated or expended until the date on which the Secretary submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the full report, and any related materials, titled "U.S. Nuclear Deterrence in the Coming Decades", dated August 15, 2014.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Alabama (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ROGERS of Alabama. Mr. Chairman, I offer a simple amendment to defend congressional prerogatives and ensure Congress is getting full information from the administration regarding one of our Nation's highest priority defense missions: nuclear deterrence.

Several years ago the Secretary of Energy tasked the Nation's nuclear weapons labs to produce a study on the future of nuclear deterrence. That study was finalized in August of 2014, almost 2 years ago.

The Secretary made a personal commitment to senior members of the Armed Services Committee that he would send over the report resulting from that study. Now, 2 years later, we still have not received that report.

This amendment will ensure DOE acts to fulfill the Secretary's commitment to provide this report to Congress, ensure Congress can conduct appropriate oversight and has visibility into matters as important as the future of nuclear deterrence, which the Secretary of Defense has called the Nation's highest priority defense mission, and it fences only a couple million dollars in administrative funds within the Office of the Secretary. This will be enough to ensure we receive this report and will not impact the DOE's mission at all.

I urge my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COOPER. Mr. Chair, I appreciate my friendship with the gentleman from Alabama, but I think this amendment goes way too far.

To fence half the funds of the Office of the Secretary of Energy is overkill.



Secretary Moniz has done an excellent job. This is really a punishment, though, that will go to the next Secretary, a man who is not in any way responsible for this delay.

Has there been a delay? It is my information that the chairman of the full committee has had access to this report. Access to this report has been offered to the gentleman from Alabama and to myself.

Without having read the report, we do not know what issues of classification or bureaucracy are involved in this. But this is among the Nation's most precious and most classified secrets. To me, to use a sledgehammer like this against a good person and against that good person's successor, whoever that may be, is really a crude way to handle a breakdown in communications.

Surely there is a better way to solve this problem. His office is just down the street. We get along with him just fine. He has been fully communicative and extremely able in every aspect. But to have a delayed report merit a sanction like this is pretty extraordinary.

So I would urge my friend, the gentleman from Alabama, to reconsider and not have what I consider to be a staff-driven tiff escalate into something much greater than it should be.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I appreciate my friend's remarks, and I agree. I like Mr. Moniz. I think the Secretary is a fine man and he is trying to do the right thing.

I have had a conversation with the ranking member earlier today, but I haven't had a chance to follow up with him. I have been on the floor doing a lot.

The only problem I have with withdrawing the amendment is we need this report between now and the time we go to conference to take what is yielded from it and visit with the appropriators.

Just me reading the report with you in private would not give me the documentation to take what it says—what I believe it says—and produce some policy that will deal with what the report says is a threat to our country.

□ 1830

For that reason, I would like to urge my colleagues to vote for the amendment, and reassure my friend and the Secretary that if, in fact, the report is forthcoming, and we are going to have a few months between now and the time we go to conference, I will be happy, in conference, to ask that this provision be withdrawn.

I reserve the balance of my time.

Mr. COOPER. Mr. Chair, I thank the gentleman from Alabama. I would just urge that both he and other Members not use this in any way as a precedent. It is one thing to fence an appropriate amount of money over a worthy disagreement, but this is overkill in this case, at least in my opinion.

So we probably will not prevail on the vote, but we need to establish precedents that will work for the strongest possible defense for that country, and a minimum of bureaucratic conflict.

I yield back the balance of my time. Mr. ROGERS of Alabama. Mr. Chairman, I thank my friend from Tennessee, and I urge my friends in the House to vote "yes."

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. ROGERS). The amendment was agreed to.

AMENDMENT NO. 60 OFFERED BY MR. ZINKE

The Acting CHAIR. It is now in order to consider amendment No. 60 printed in part B of House Report 114-569.

Mr. ZINKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title XVI, add the following new section:

**SEC. 16 . REQUESTS FOR FORCES TO MEET SECURITY REQUIREMENTS FOR LAND-BASED NUCLEAR FORCES.**

(a) CERTIFICATION.—Not later than five days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall certify to the congressional defense committees that the Chairmans has approved any requests for forces, as of the date of the enactment of this Act, of a commander of a combatant command to meet the security requirements of land-based nuclear forces.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the travel and representational expenses of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date on which the Secretary certifies to the congressional defense committees that there is a competitive acquisition process in place to ensure the fielding of a UH-1N replacement aircraft in fiscal year 2018.

Mr. ZINKE. Mr. Chairman, I ask unanimous consent that amendment No. 60 be modified by the form that I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO AMENDMENT NO. 60 OFFERED BY MR. ZINKE OF MONTANA

At the end of subtitle D of title XVI, add the following new section:

**SEC. 16 . REQUESTS FOR FORCES TO MEET SECURITY REQUIREMENTS FOR LAND-BASED NUCLEAR FORCES.**

(a) CERTIFICATION.—Not later than five days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall certify to the congressional defense committees that the Chairman has approved any requests for forces, as of the date of the enactment of this Act, of a commander of a combatant command to meet the security requirements of land-based nuclear forces.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics, not more than 75

percent may be obligated or expended until the date on which the Under Secretary certifies to the congressional defense committees that there is a competitive acquisition process in place to ensure that a UH-1N replacement aircraft is under contract in fiscal year 2018.

Mr. ZINKE (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Acting CHAIR. Is there objection to the original request of the gentleman from Montana?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 732, the gentleman from Montana (Mr. ZINKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. ZINKE. Mr. Chairman, I rise today to offer an amendment that will ensure that our servicemembers in the nuclear security forces have the ability to do their job.

Each and every day, these men and women are tasked with the protection of our nuclear weapons. This is not a mission that we can fail, and, thankfully, they have performed their mission successfully for over half a decade.

Unfortunately, despite the gravity and importance of this mission, these men and women must use Huey helicopters, UH-1s, that are in the Vietnam-era. They must be able to respond anywhere in a 32,000-square-mile area, larger than the State of Maine, while using these helicopters that are over 50 years old.

Air Force demonstrations performed at Minot Air Force Base have shown time and time again that critical security shortages exist using these Hueys, and they are problematic in mission success.

The Air Force and the Department of Defense have known this for over a decade but, unfortunately, have consistently kicked the can down the road.

My amendment ensures the replacement of the Huey aircraft is done now. The mission of protecting our forces is too important to delay yet again, and the Air Force and DOD, by their own tests, have proven its vulnerability.

This amendment ensures a full and open competition, but does not allow the Air Force to further delay replacement.

I reserve the balance of my time.

Mr. O'ROURKE. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. O'ROURKE. Mr. Chairman, I yield back the balance of my time.

Mr. ZINKE. Mr. Chairman, I yield to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, we had a technical issue earlier, and we had reached out to my friend's office. I congratulate your staff. They understood the mechanical issue. It was a procurement timing. It has been taken care of with the amendment to the amendment, and so I want to make sure anyone that is listening, that the concerns that were being brought up from my office have been dealt with.

We now are fully in support of the gentleman's amendment.

Mr. ZINKE. Mr. Chairman, I yield to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, and I am as frustrated as anybody that we are having to be here today.

Secretary Carter has often said, and I agree with him completely, that the nuclear deterrent priority is our number one national security mission. But, unfortunately, that rhetoric has not matched up with the decision on this issue coming from the Secretary's office.

The UH-1N fleet that is used by the Air Force Security Forces for the ICBM field security consist of Vietnam-era helos.

The UH-1N program is a case study in a failed DOD acquisition process:

The first move to replace the helos was in 2004. The Joint Staff validated a military requirement in 2010;

The Air Force canceled the replacement program in 2011;

And the SecDef recently overruled the SecAF in conducting a sole source replacement program, proposing instead a competition in 2018.

Admiral Haney, Commander, USSTRATCOM, stated in February, 2016: "Maintaining the security of our nuclear weapons requires a modern helicopter with sufficient capabilities to counter both today's and future threats. The UH-1N does not fully meet the current ICBM complex security requirements as outlined by DOD and USSTRATCOM."

We have been warned, colleagues. Let me be clear. This is the security of nuclear weapons here at home. There is no higher priority. If we are going down the path of competition, that is fine; but we have no more time to waste.

I want to urge the gentleman's amendment be adopted.

Mr. ZINKE. Mr. Chairman, I would like to say thank you to everyone for working on this bill and doing slight amendments to ensure that we have a fair and open competition but yet not delay the problem.

I think we can all understand that we need to replace the Hueys. The Hueys are inaccurate. They have been inaccurate for a long time. The acquisition process yet again, as we have identified, is broke.

So I thank my colleagues from both sides of the aisle to place this in impor-

tance. Our nuclear weapon and our arsenal needs to be protected. We face an asymmetrical enemy, and ensuring that they are safe at all times is part of what this Congress should be doing.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Montana (Mr. ZINKE).

The amendment, as modified, was agreed to.

Mr. THORNBERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ZINKE) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4909) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 39 minutes p.m.), the House stood in recess.

□ 2351

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLE) at 11 o'clock and 51 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4909, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 114-571) on the resolution (H. Res. 735) providing for further consideration of the bill (H.R. 4909) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4974, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2017; PROVIDING FOR CONSIDERATION OF H.R. 5243, ZIKA RESPONSE APPROPRIATIONS ACT, 2016; AND FOR OTHER PURPOSES

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 114-572) on the resolution (H. Res. 736) providing for consideration of the bill (H.R. 4974) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; providing for consideration of the bill (H.R. 5243) making appropriations for the fiscal year ending September 30, 2016, to strengthen public health activities in response to the Zika virus, and for other purposes; and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CURBELO of Florida (at the request of Mr. MCCARTHY) for today on account of attending a family event in his district.

Mr. LATTA (at the request of Mr. MCCARTHY) for Monday, May 16 on account of the passing of his father.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for Monday, May 16, 2016.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2040 An act. to deter terrorism, provide justice for victims, and for other purposes; to the Committee on the Judiciary.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1523. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

#### ADJOURNMENT

Mr. BYRNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 18, 2016, at 10 a.m. for morning-hour debate.